

**A DOCUMENTARY SURVEY
OF THE FRENCH
REVOLUTION**

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The Macmillan Company

NEW YORK

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To the Memory

of

My First and Greatest Teachers

My Mother

MARION BAKER STEWART

(1866-1937)

and

My Father

GEORGE STEWART

(1866-1941)

***... the most ingenious and most eloquent of modern
historical discourses can after all be nothing
more than a comment on a text.***

EDWARD A. FREEMAN *

***“Inaugural Lecture,” *The Methods of Historical
Study* (London, 1886), p. 16, [Quoted by permission
of Macmillan and Co., Ltd., London, England.]**

PREFACE

***... this French Revolution ... is the
dreadfulest labor ... I ever undertook; ...***

CARLYLE TO EMERSON *

Some seventy-five years have passed since the publication of the first edition of Bishop Stubbs' *Select Charters*. During the interval, that "masterpiece of arrangement and interpretation," in addition to furthering and facilitating the use of primary sources in the study of early English constitutional history, has served as an inspiration and a model for similar studies in other fields of historical endeavor. Today an abundance of collections of source materials delineates virtually every major period of human history through contemporary records, from the Code of Hammurabi to the Constitution of Soviet Russia; yet nowhere amidst this plenty is there readily accessible a satisfactory book of documents elucidating the history of the Great French Revolution. For many years students of the period have depended upon Frank Maloy Anderson's *The Constitutions and Other Select Documents Illustrative of the History of France, 1789-1901* (Minneapolis, 1904; 2d rev. ed., 1908) for the texts of the principal revolutionary enactments in English translation; but this has long been out of print. E. L. Higgins' more recent work, *The French Revolution as Told by Contemporaries* (Boston, 1938), is a useful compilation of excerpts translated from contemporaneous comments; but it includes only a scattered few of those vital public documents which afford such an excellent indication of the aspirations, as well as the accomplishments, of the revolutionaries. And other leading collections, whether of public or of private documents,

whether in French or in English translation, are either out of print or extremely limited in content. The present *Documentary Survey of the French Revolution* is an attempt to remedy this deficiency. The book is designed primarily for teachers and students in undergraduate colleges; it may also prove useful to students beginning postgraduate study in modern European history.

As originally planned, this work was based on the assumption that

* 3 February, 1835, *The Correspondence of Thomas Carlyle and Ralph Waldo Emerson, 1834-1873*, ed. by C. E. Norton, 2 v. (London, 1883), v. 1, p. 42. [Quoted by permission of Chatto and Windus, London, England.]

“documents will never be properly studied while they are divorced from the history and relegated to separate collections.”¹ It was to have been a history of the French Revolution with the documents inserted (with appropriate supplementary aids) in their proper context—in fact, very much in the manner of the study just quoted. Unfortunately, such a plan proved to be impracticable in its entirety, primarily because of limitations of space.

The completed work, therefore, represents a compromise, in which the original ideal has been retained as far as possible. The book consists of an Introduction (a sketch of the circumstances out of which the Revolution grew), a Conclusion (a summary evaluation of the results of the Revolution), and nine intervening Chapters (each of which deals with a major section of the Revolution, in whole or in part). Each Chapter is divided into Sections, designated by Roman numerals, with a fresh number sequence for each chapter. Within the Sections appear the Documents, designated by Arabic numerals, and *numbered*

consecutively throughout the book. At the beginning of each chapter, a brief note (average length about 500 words) presents a summary of the chapter, and refers to the sections by Roman numeral. At the beginning of each section of a chapter a brief note (average length about 350 words) presents a summary of the section, and refers to the documents by Arabic numeral. At the beginning of each document a brief note (average length about 100 words) presents a critical evaluation of or comments upon the text itself. Documentation has been kept at a minimum, and, as indicated in a note at the end of the Key to Abbreviations (*infra*), the same is true of bibliographical aids.

The choice of the texts incorporated in, and comprising approximately eighty per cent of, this book was based partly upon a consideration of the documents cited in the standard manuals, general studies, and reference works on the French Revolution, partly upon the results of my own investigations in the principal sources relating to that subject, and partly upon the recommendations of numerous friends and associates who examined the original table of contents. Since the work is essentially a collection of *public* documents, the final selection was restricted mainly to statutes, constitutions, proclamations, and treaties. In general the documents are presented in their entirety, except for the brief formal preambles, conclusions, and signatures, most of which have been omitted without any special indication of such fact; elsewhere, omissions are denoted by ... or by summaries in brackets. Reference is usually given to more than one source for each document, and when there is any important variation among the texts cited, such difference is noted. The paragraph structure is always that of the specific text used, but unless otherwise indicated, the punctuation, capitalization, and enumeration have been simplified, modernized, and standardized

throughout the book. A glossary of untranslated and unfamiliar terms is included in the Index.

'Tanner, J. R., *Tudor Constitutional Documents* (Cambridge, 1922), p. v. [Quoted by permission of the Cambridge University Press.]

In the work of translation, the basic guide to which was usually Cassell's French-English, English-French Dictionary (London, 1921 and New York, 1930), an effort has been made to adhere as closely as possible to the meaning and spirit of the original French, and at the same time to render it into simple, idiomatic English. In this exacting and exhausting task I was favored with the indispensable counsel of Mary Kemple Stewart, whose efforts to render the texts intelligible merit special commendation. I also received assistance from Professors Clarence Hatch and William P. Ward of Western Reserve University, Dr. O. F. W. Ellis, formerly of Western Reserve University, and Albert Fonda, formerly a student in Adelbert College of Western Reserve University.

The preparation of the present work was lightened by the guidance and encouragement of many generous scholars. The late Professor Carl Becker of Cornell University provided the incentive for the project, many years ago, by a pointed comment on the need for a book of French Revolution documents in English translation; and until his death his kindly interest and learned opinion on every aspect of the work were a constant source of inspiration. When the general outline of the work was completed, I was fortunate in obtaining the advice of Professors Donald Grove Barnes, Elbert J. Benton, and Henry E. Bourne of Western Reserve University, Crane Brinton of Harvard University, Geoffrey Bruun of New York University, Donald G. Creighton of the University of Toronto, Huntley Dupre of the

University of Kentucky, George M. Dutcher of Wesleyan University, Wallace K. Ferguson of New York University, Leo Gershoy of New York University, Louis R. Gottschalk of the University of Chicago, Beatrice F. Hyslop of Hunter College, Wilfrid B. Kerr of the University of Buffalo, Ralph H. Lutz of Stanford University, E. Wilson Lyon of Pomona College, Edward H. McNeal of the Ohio State University, Frank Monaghan formerly of Yale University, Frederick L. Nussbaum of the

University of Wyoming, George M. Smith of the University of Alberta, Preserved Smith of Cornell University, Palmer A. Throop of the University of Michigan, and George M. Wrong of the University of Toronto. And during the ensuing years Professors Barnes, Bourne, Bruun, Ferguson, Gershoy, Gottschalk, and Hyslop have given unsparingly of their time and erudition. To all these collaborators I express my deepest appreciation.

I am obligated also to the librarians and staffs of the Cleveland Public Library and of the libraries of Columbia University, Cornell University, and Western Reserve University; to C. M. Levy, Jr., Sidney Zebel, Frank Cergol, and Gray Colgrove, former students in Adelbert College of Western Reserve University, for various services as N.Y.A. assistants; to Howard Heasley, former student in Adelbert College of Western Reserve University, and for three years my N.Y.A. assistant, for his competent work in typing the final manuscript; to the late Dean William D. Trautman of Adelbert College of Western Reserve University for numerous favors; to the several publishing companies, acknowledged individually elsewhere, for permission to quote from their publications; and to the many students who have unwittingly served as subjects of experiment during the past sixteen years.

In conclusion I wish to acknowledge special indebtedness to my wife, Helen Doolittle Stewart, for her patience and fortitude in the drudgery of reading proof and making the index; and to those four masters of the historical craft with whom I was privileged to study—George M. Wrong and W. P. M. Kennedy of the University of Toronto, and Carl Becker and Preserved Smith of Cornell University.

John Hall Stewart
Cleveland, Ohio

The end papers in this book represent the original draft of the Tennis Court Oath as recorded in the minutes of the National Assembly, with a page of the signatures by which the deputies attested their adherence to that oath. The signatures shown include those of Mirabeau, Volney, Robespierre, and Boissy d'Anglas, and may be of interest to students of handwriting as suggestive of the character of the signers.

The photographs from which the plates of the end papers were reproduced were made from the facsimiles in Armand Brette's *Le serment du jeu de paume; facsimile du texte et des signatures*, published by the Societe de l'Histoire de la Revolution franchise, Paris, 1893.

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NOTE: IN ADDITION TO THE FOREGOING KEY, THE FOLLOWING BIBLIOGRAPHICAL DATA SHOULD BE NOTED.

1. At the end of the Introduction and each chapter (except Chapters Three and Nine) there appears a list of Suggestions for Reading and Reference. These are presented in two parts. The first (General) designates the pertinent sections of works listed in the Key to Abbreviations; the second (Special) indicates a few special works dealing with the subject of the chapter in whole or in part. The Suggestions at the end of the Conclusion vary from this pattern.

2. In connection with some of the chapter sections, as well as with a few individual documents, references are given to a few specialized works pertaining to the section or document concerned.

3. If a reference is given in abbreviated form of a title *not* included in the Key to Abbreviations, a full citation of such title will be found in the bibliography pertaining to the section or chapter in question.

4. All bibliographical data have been limited to mere essentials. And since, in the last analysis, this *Documentary Survey* owes its existence primarily to the inability of most of its prospective users to read French effectively, there seemed to be little point in including more than a few of the more important French titles for the benefit of teachers and advanced students.

5. Additional bibliographical references may be obtained from the admirable bibliographies in most of the standard treatises which are apt to be used in conjunction with the present book. See particularly those in: Brinton; C. M. H.; Gershoy; Hazen; L. and R.; L., G., and S.; Pariset; Sagnac; and Villat.

6. See also the following bibliographies:

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the *period* as well as a special guide to particular collections.

INTRODUCTION--THE ANTECEDENTS OF THE FRENCH REVOLUTION

I. INTERNATIONAL ANTECEDENTS

II. INSTITUTIONAL ANTECEDENTS .

III. INTELLECTUAL ANTECEDENTS

IV. IMMEDIATE ANTECEDENTS

INTRODUCTION

THE ANTECEDENTS OF THE FRENCH REVOLUTION

"France led the way in revolution, not because the French people were more miserable and oppressed than all others, but because the active intelligence of the French nation was the first to repudiate the wrongs and absurdities of the government and of society."—George H. Allen,, *The French Revolution*, 4 v. (Philadelphia, 1922-1925), v. 1, pp. 133-134. [Published by George Barrie's Sons, Philadelphia, Pa.]

"Since its inception the French Revolution has possessed a persistent fascination for western European peoples. For the most part, however, its appeal has been emotional rather than intellectual. The reading public, whether formally educated or not, is still too apt to visualize it in terms of the Bastille, the *Marseillaise*, and the guillotine, too prone to appraise it from the point of view of Thomas Carlyle, Baroness Orczy, and Charles Dickens. Not without justification has a

leading Franco-American scholar been prompted to refer to *A Tale of Two Cities* as “the only primer of the French Revolution with which the English-speaking world is thoroughly familiar.” ¹ In view of these long-standing misapprehensions, it would appear desirable, therefore, that any study of the French Revolution should begin with a brief statement of its substance, scope, and significance.

'The French Revolution was an attempt to put into effect certain basic beliefs common to most enlightened Frenchmen of the eighteenth century, and adequately epitomized in the revolutionary slogan “Liberty, Equality, Fraternity.” To some extent these beliefs began to materialize by the opening of the last quarter of the century. The fulfillment of the process, during the decade immediately following the year 1789, affected all phases of French life, and produced a fundamental change in French institutions, a comprehensive metamorphosis which was the Revolution itself. Nor was the Revolution confined to France. An irresistible tide of precept and practice, it carried to other European states the philosophy of “natural rights.” “It brought on the stage of human affairs forces which have moulded the actions of men ever since, and have taken a permanent place among the formative influences of civilization.” ²

¹ **Albert L. Guerard**, *The Life and Death of an Ideal: France in the Classical Age* (New York and London, 1928), p. 297. [Quoted by permission of Charles Scribner's Sons, New York.]

² **George P. Gooch, *The French Revolution* (London and New York, 1920), p. 7. [Quoted by permission of The Macmillan Company, New York.]**

It ranks as one of the most significant factors in the development of the modern world. “To understand the Revolution is to begin to understand the nineteenth and twentieth centuries.”³

Yet, as Tocqueville has warned, any adequate appreciation of the Revolution depends upon more than a knowledge of the movement itself—“it can only be comprehended by the light of the ages which preceded it.” ⁴

³ **Leo Gershoy, *The French Revolution, 1789-1799* (New York, 1932), p. 5. [Quoted by permission of Henry Holt and Company, New York.]**

⁴ **Alexis de Tocqueville, *The Old Regime and the Revolution*, tr. from the French by John Bonner (New York, 1856), p. 253. [Quoted by permission of Harper and Brothers, New York.]**

I. INTERNATIONAL ANTECEDENTS

The antecedent circumstances which necessitated and facilitated the French Revolution are to be found in the history of Europe in general and of France in particular between 1715 and 1789. The year 1715 affords a convenient point of departure for the study of the Old Regime, as this pre-revolutionary period is commonly called, for by that year the last of the wars of Louis XIV had been fought, the menace of French domination of European affairs had been removed (at least temporarily), and the principle of

a balance of power among the most influential states had been accepted as a means of preventing its recurrence. Moreover, by that date the form of government in most of the countries of western Europe had been established in the mold which it was to retain for almost a century to come.

Authority was vested, for the most part, in autocratic kings and emperors who believed in the omnipotence of the state and, although motivated primarily by self-interest, looked upon themselves as the first servants of their respective political entities and devoted themselves to increasing their wealth and prestige and extending their frontiers. Some of these rulers, notably Frederick II of Prussia, Catherine II of Russia, and Joseph II of Austria, applied themselves energetically to the achievement of domestic reforms based upon a program of tolerance, humanitarianism, educational development, economic progress, and governmental efficiency. And although the degree of their success depended, in the last analysis, as much upon the temperament and circumstances of the people as upon the personality of the ruler, as a group they merited the cognomen by which they came to be known—"the benevolent despots."

In the realm of external affairs the monarchs of eighteenth-century European states endeavored to realize their objectives by engaging in competition for dynastic, territorial, and economic enrichment. Such competition occasioned wars—in Europe, America, and Asia—the most outstanding of which were the War of the Polish Succession (1733-1738), the War of the Austrian Succession (1740-1748), the Seven Years' War (1756-1763), and, in its Anglo-French aspects, the War of American Independence

(1776-1783). As a result of these contests European animosities increased during the century, colonial and maritime supremacy became a British monopoly (to the disadvantage of both France and Spain), the British Empire was partially disrupted and the new republican United States of America took form, and the principle of autocratic aggrandizement became firmly established as the basis of European interstate relationships. Moreover, two new major European states, Prussia and Russia, appeared, complicating the diplomatic situation, threatening the power of older states, particularly Austria, and contributing to the decline of Turkey and Sweden and the ultimate disappearance of Poland.

These European developments were of profound significance to France. The benevolent despots, by affording examples of direct action against existing evils, in defiance of established habits and traditions, contributed effectively to the revolutionary drift of the age, a drift which was to become most pronounced in France. The Seven Years' War left France weakened in colonial empire and world trade. The War of American Independence necessitated heavy French expenditures and thus hastened the national financial crisis which eventually occasioned the Revolution itself; and by giving expression in both theory and practice to the philosophy of natural rights, it established a precedent which was to be influential in the realization of a similar change in France before another decade had passed.

The history of European affairs in the eighteenth century explains *some* of the reasons why a revolution came to France. It is questionable,

however, if either external examples or the consequences of international conflict are in themselves sufficient to provoke such a cataclysmic change as that which occurred between 1789 and 1799. In the last analysis revolutions must be internal in origin. Dissatisfaction with prevailing conditions must exist, especially on the part of a section of the populace which has experienced a degree of betterment and cherishes the hope of even greater good fortune if certain institutional obstacles are removed. Moreover, the dissatisfaction must be implemented by the development, propagation, and acceptance of an ideology which appears to justify the demands of those who desire change, and which also affords a pattern for the "new order." Finally, a crisis must occur, not simply a crisis in which existing institutions break down, but one which appears at a time when the advocates of change are prepared to take charge of the situation. These circumstances are to be found in the history of France itself during the years from 1715 to 1789. From them, for the most part, derive the reasons why a revolution came to that country, why it came there rather than elsewhere, and why it came when it did.

II. INSTITUTIONAL ANTECEDENTS

The history of France from 1715 to 1789 is the history of the reigns of two kings, Louis XV and Louis XVI. The first of these monarchs succeeded his illustrious great-grandfather, Louis XIV, in 1715. The heritage bequeathed him by his predecessor was a heritage of royal ascendancy in France and French ascendancy in Europe. Yet, even had the latter not been greatly affected by the development of the

“balance of power” idea, the leadership essential to the perpetuation of both aspects of the heritage was lacking. The extreme youth of Louis XV at the time of his accession (he was a child of five years) necessitated a regency from 1715 to 1723. During its earlier years the regency was characterized by confusion and disorder, and it was not until 1726, three years after the young king had “come of age,” that the ministry of the able Cardinal Fleury brought anything approximating a stable government. Fleury gave France virtually the only good government it was to enjoy during the Old Regime. His death in 1743, however, left France at the mercy of Louis XV. Bored with matters of state and interested chiefly in material pleasures, Louis XV lived to see the prestige of his country diminished, his subjects divided by political, religious, and economic conflicts, and the worst features of the Old Regime intensified. When he died in 1774, after a personal reign of thirty-one years, he left France sadly in need of leadership. Unfortunately, Louis XVI, his grandson, who succeeded him, possessed (as will be shown later) few of the qualities essential to guiding a state, especially in a time of crisis; and during the later years of his reign France experienced the inception of the revolution that was to alter her institutional structure. It is in that institutional structure, a structure representative of those of other European states of the time, that the basic reasons for the discontent which culminated in the French Revolution are apparent.

Politically, eighteenth-century France centered in an hereditary monarch who believed his power to be divinely derived and without limits. To some extent this latter belief was well founded, for there was no

legislative body to restrict the royal will/ The only national assembly, the Estates General, had never possessed powers similar to those of the British Parliament for example, it had never legislated, it had met infrequently, and its last meeting had taken place in 1614. Limiting forces did exist, however, in the ministers and the several sections of the royal council, without which governing would have been difficult, and the thirteen *parlements* (the superior courts) in which royal edicts had to be registered before they could become laws. The king could and did ignore and overrule the opinions of ministers, councils, and *parlements* alike, but they in turn could and did serve, from time to time, as a check on his actions.*

The central government functioned through some thirty-odd local administrative officials, the intendants, appointed by the king and his ministers, and responsible to them alone. These intendants enjoyed complete control of all matters within administrative divisions known as intendancies or *generalites*, and approximate in extent to the old provinces of France. In these latter units the local assemblies or estates remained in provinces that had traditionally possessed them, likewise the governors; but neither estates nor governors enjoyed much real power. Such a highly centralized government necessitated able and industrious kings and officials. Lacking one or the other, as it did during the latter part of the eighteenth century, it became unwieldy, inefficient, and corrupt.

Institutional Antecedents

In contrast with the legislative and administrative centralization, the judicial system presented, in general, a picture of decentralization bordering on chaos. In the north of France the “customary law of Frankish origin prevailed, in the south the “written law” of Roman derivation, and superimposed upon these two major divisions were local, manorial, and ecclesiastical laws.; Apart from the royal courts, courts and procedures existed in variety and confusion. The chief universal features in the judicial organization were the unsavory ones—arbitrary arrest and imprisonment by *lettres de cachet* (general warrants), cruel penalties, gross inequality, special privilege for clergy and nobles, and venality of positions.,

Most of the important political offices in eighteenth-century France were the perquisites of a privileged few (especially the clergy and nobility) who not only enjoyed the benefits therefrom, but, with the king, actually constituted the government—a government of the people, by the king, for the clergy and nobles.

Economically, eighteenth-century France presented a paradox. In commerce and industry it was the most prosperous European state, in national finances the most nearly bankrupt. French prosperity was the product of the relatively unprivileged middle class; French bankruptcy originated primarily in the fiscal policy (or lack of policy) followed by the privileged upper classes who controlled the government. There was no national budget, governmental income was contingent upon expenditures, the national debt had been increased by the wars of the eighteenth century, deficits were chronic, the court was extravagant, and the

government was able to avoid bankruptcy mainly by extending existing taxes, reviving old ones, or inventing new ones.

It was taxation that brought the national financial situation painfully to the attention of the average Frenchman. The privileged minority who enjoyed the benefits of taxation were exempt from, or evaded, most taxes. Payment therefore devolved upon the unprivileged majority who were either unable or unwilling to carry the burden. Whether in town or country the common man was subject to a great variety of taxes, which consumed a considerable portion of his income. Direct taxes included the *taille* (mainly on land), the *capitation* (a poll tax), the *vingtieme* (an income tax), the *octroi* (a local tariff on commerce), and the *corvee* (an obligation to perform a certain amount of labor, such as road work). Indirect taxes comprised the *gabelle* (chiefly on salt), the *aides* (on wine), and the *tabac* (on tobacco). Nowhere was there uniformity in assessment or collection; everywhere there was injustice and inequality. Internal customs and duties (e.g., the *douanes*) complicated the system; and the practice of selling some of the rights of taxation to individuals or firms of financiers (the Farmers-General) rendered it more odious.

If French government in the eighteenth century was of the people, by the king, for the clergy and nobles, finances and taxation of a certainty were at one with the government.

Socially, eighteenth-century France consisted of three main groups or estates. The first estate, the clergy, numbered in a total population of some 25,000,000

approximately 130,000 persons. Of these perhaps 60,000 were “regular” clergy, living in monasteries, convents, and abbeys, and professedly concerned with education, scholarship, and the salvation of their own souls. The remainder were “secular” clergy, in charge of churches, and concerned with public welfare and the salvation of mankind in general. Within their own order the clergy were subdivided into an upper minority of archbishops, bishops, and abbots who enjoyed most of the benefits, and a lower majority of parish priests and common regulars who did most of the work and received little in return. A principal source of church revenues, apart from income derived from lands, was the tithe, an annual tax originally constituting one-tenth, but now one-fifteenth or less, of the produce or income of the bulk of the population.

The clergy owed their prominence in France largely to their assumption of certain responsibilities: the salvation of souls, the primary work of the church; education, for which ecclesiastics alone were adequately trained; and the recording of vital statistics, since clergymen were always present to baptize the newborn, to perform the sacrament of matrimony, and to administer last rites to the dying. Since France had long been committed to one church, the Roman Catholic, the clergy of that faith enjoyed a monopoly of these functions; and partly as compensation for their endeavors they enjoyed certain privileges—special courts and laws, the power of censorship, and exemption from most taxation. As individuals the greater part of the clergy in eighteenth-century France fulfilled their obligations effectively, and thereby justified

the existence of their special prerogatives. As a corporation, however, under the guidance of the upper clergy, the reverse was true. Special courts were utilized to defeat the ends of justice, censorship was invoked on behalf of intolerance, exemption from taxation was used to free a wealthy organization from its economic responsibilities. Furthermore, benefices in most instances had become the hereditary property of noble families, monastic houses had declined in morality, and certain bishops allowed worldly interests to alienate them from diocesan affairs.

The second estate of France, the nobility, comprised 200,000 or more individuals. Of these a small minority constituted the old “nobility of the sword,” dating from the middle ages and originating in military service and the feudal relationship. The great majority, however, were the new office-holding “nobility of the robe,” most of whom had obtained their patents by purchase when the king chanced to need funds. The small coterie of “court nobles” at Versailles regarded with contempt both the “country nobles” who, through chance or necessity, spent the greater part of their time on their rural domains, and the “administrative nobles” who formed the bulk of the governmental hierarchy. Many nobles were in comfortable financial circumstances, but, rich or poor, all derived their revenues mainly from one or more traditional sources—lands, official positions, and royal sinecures.

The nobility owed their position of eminence primarily to their past performance of services, the most important of which were the provision of military aid for the king and assistance in an

advisory capacity in the government. In consequence, like the clergy the nobles enjoyed benefits— judicial, and landholding privileges, a monopoly of the best military, political, and ecclesiastical offices, and exemption from most taxes. By the eighteenth century, however, these benefits, except in a few instances, were no longer earned. Moreover, many nobles used their judicial privileges as a means of evading legal penalties, contributed to a decline in manorial administration by absenting themselves from their estates, and proved indifferent or incompetent as officeholders. Their exemption from taxation had become obnoxious, not only because it was no longer justified, but because the nobles as a group consumed about one-quarter of the governmental income.

The third estate in eighteenth-century France, the commoners, was composed of all who were neither clergy nor nobles, and numbered some 24,000,000 or more. Of these about 2,000,000 lived in towns, the remainder in the country.

The town dwellers comprised three main groups: the few “upper bourgeoisie” who enjoyed wealth and controlling influence in the professions, in commerce, and in industry; the “petty bourgeoisie” or small traders, manufacturers, shopkeepers, and professional people; and the remainder, most of whom derived their living from wages or salaries. All three groups contributed to and profited from the prosperity which France experienced during the eighteenth century. Most of the profits, it is true, went to the upper bourgeoisie who purchased titles, lands, and positions in an attempt to achieve

political power and social prestige. Yet, with few exceptions, all were required to contribute to the maintenance of the state. Whereas at one time such contributions had been made in return for national aid and protection, now, however, the town dwellers received relatively little; moreover, many of the taxes seriously obstructed commerce and industry, and more and more the government seemed to consider the bourgeoisie merely as an unfailing source of money and credit.

The country dwellers were largely of one class, the peasantry. Many peasants, by phenomenal thrift, had managed to save enough money to purchase small parcels of land from improvident landlords (who shrewdly retained the title deeds); but most of them lived as tenants or hired laborers on sections of a large, more or less self-sufficient agricultural unit of medieval derivation, the manor. There the peasants applied primitive agricultural methods to eke out a meager living, much of which went to several tax masters. In addition to the regular royal and ecclesiastical obligations, the peasants were burdened with manorial exactions. Of these the most distasteful were the *banalites* (seigneurial monopolies of bake ovens, wine presses, fishponds, and gristmills), the *capitaineries* (hunting rights which enabled the seigneur first to feed and then to hunt his game on the peasants' fields, without interference or payment for damage done), and the remnants of the manorial *corvee* (statute labor). Originally these obligations were fulfilled in return for protection and maintenance by the seigneur; by the eighteenth century, however, these benefits either were no longer necessary, or simply were no longer conferred. And the fact that

many of the exactions had come to be commuted into money payments often caused seigneurs to regard the peasants solely as a source of income.

Both town dwellers and country dwellers in eighteenth-century France were materially better off than were the commoners of any other continental European state of the time. But for that very reason they were discontented. Instead of being permitted to enjoy the prosperity which they created, they saw much of it diverted to the maintenance of unproductive minorities.

By 1789 conditions in France manifestly necessitated change. The privileged few who monopolized most of the power and prestige had ceased to fulfill effectively the functions essential to the possession of those advantages. Under their dispensation disorder, extravagance, intolerance, inequality, and oppression characterized the institutional structure of the country. The unprivileged many who contributed the greater share of national wealth and prosperity were intent upon enjoying more of the inherent benefits. Their aim could be realized only if France were reorganized upon bases of order, economy, tolerance, equality, and liberty. As already indicated, however, such a development could not take place until certain favorable conditions existed. Some of these circumstances were already to be found. The old institutions had disintegrated, discontent on the part of the unprivileged groups was already being manifested, and during the eighteenth century several minor crises had occurred. These crises had been weathered, however, by repairing the old machinery, which continued to function principally because the

advocates of change were not yet prepared to take charge of the situation. Nor would they be prepared until their discontent with the existing regime had become activated, vocalized, and organized around a forceful and warrantable ideology which would serve as a justification of their demands for action, and provide a plan whereby they would be enabled to assume control when a major crisis appeared. The provision of this necessary point of view was largely the work of a group of courageous, energetic thinkers, spokesmen of the great eighteenth-century intellectual ferment known as the Enlightenment.

III. INTELLECTUAL ANTECEDENTS

In the realm of cultural development the eighteenth century is generally known as the Age of the Enlightenment or the Age of Reason. The former title suggests the intellectual quickening which distinguished the era; the latter designation expresses succinctly the dominant point of view of the progressive thinkers of the time. It was a period when men stressed reason as a guide to the solution of the problems of the universe and of man, an attitude of which the origin is to be found chiefly in the works of two luminaries of the previous century, Isaac Newton and John Locke.

Isaac Newton (1642-1727) was an English scientist who followed Copernicus, Galileo, and others in emancipating men from the dead hand of medieval supernaturalism and in introducing them to the study of nature. This he did in two ways. First, in his *Principia mathematica* (1687) he confirmed a growing belief in the existence of natural laws, constant

mathematical principles which determine the functioning of the universe. Second, in his emphasis on the experimental method he made it possible for the average man to come into intimate contact with nature, and to some extent to govern her actions and discover her secrets. John Locke (1632-1704), also an Englishman, was a philosopher. Like Newton he furthered the process of emancipating mankind, but in a somewhat different manner. In his *Essay concerning the Human Understanding* (1690) Locke claimed that man's mind at birth was a blank form, the ultimate patterns on which were shaped by environment and by the use of the reasoning power—in contradiction of the hitherto accepted belief in innate ideas and divine revelation. In his *Of Civil Government* (published in the same year), he provided not only a justification of the English revolutions of his own time, but a political ideology for posterity. His political philosophy affirmed that since all members of a society cannot govern, government must be delegated to a few; and that relations between governors and governed are established in some form of compact or contract involving mutual benefits and guarantees and punishments for infractions by either party to the agreement.

To the thinking people of the eighteenth century the ideas of Newton and Locke assumed a special significance. The experimental method in science brought man closer to nature than ever before. Could he not, therefore, learn more of her secrets, determine additional natural laws, regulate his environment, and ultimately bring mankind into harmony with the universe—all by the use of his reasoning power? If this were true, could he not

perhaps discover natural laws governing man as well as the universe, regulate his actions rationally, and bring himself into harmony with his fellow men? Such a prospect afforded an optimistic naturalism and an appreciation of life “here,” in contrast with the pessimistic supernaturalism and anticipation of the life “hereafter” which had dominated the past. This somewhat distorted interpretation of profundities derived from the needs of the middle class which found, or thought it found, in these ideas a means of escape from oppression, a justification of its demand for recognition, a philosophy of “natural rights.” And it is France, where the middle class was most numerous, most prosperous, and most desirous of change that affords the most notable example of the direction and diffusion of these principles by a group of thinkers usually referred to as the *philosophes*.

The most famous, and perhaps the most influential, of the *philosophes* was Francois Marie Arouet, commonly called Voltaire (1694-1778). Voltaire established himself as a popularizer of what he conceived to be the ideas of Newton, and as an aggressive defender of truth and tolerance. The particular object of his ridicule was the Church. He believed that the Church as an organization in eighteenth-century France was far removed from the ideas propounded in the Ten Commandments and the Sermon on the Mount, that it was corrupt, inefficient, and guilty of oppression and intolerance. With irony and satire as his weapons Voltaire exercised his great influence through scientific treatises, histories, dramas, poems, pamphlets, and even a *Philosophical Dictionary*—not through any one work, but rather through the vast mass of his writings over a long period of time.

Contemporary with Voltaire, and approaching him in universality of influence, was Charles de Secondat, Baron de Montesquieu (1689-1755). Montesquieu early took leave of his judicial calling and devoted the remainder of his life to formulating a theory and technique of politics for mankind in general and for his own countrymen in particular. His first significant work appeared anonymously (1721) under the title *Persian Letters*. These letters professed to be the work of a Persian nobleman traveling in Europe and writing to his friends at home of the unusual things that he saw, especially in France; and with subtle irony the "traveler" ridiculed the Old Regime. The great and enduring contribution from Montesquieu's pen, however, was *On the Spirit of Laws*, published in 1748, and providing a learned analysis of political theory and practice, with suggestions as to the possibilities of reform in eighteenth-century France. Taking as his major premise the naturalistic hypothesis of environmental influences, Montesquieu examined the political structures of the past, and classified and explained them according to external conditioning factors. France, he concluded, was designed to be a monarchy, but a monarchy shorn of existing abuses, and with a clearer definition of the powers of the several elements of the government. These elements he defined (on the basis of a mistaken analysis of the British government) as executive, legislative, and judicial, each functioning separately from, and serving as a check on, the others. Where Voltaire was inclined to advocate the destruction of institutions in order to extirpate inherent defects, Montesquieu was disposed to eliminate abuses and, by so doing, to strengthen and preserve the essentials of the institutional forms.

While Voltaire was pointing out the ecclesiastical evils in eighteenth-century France and Montesquieu was suggesting means of reforming the political ills, others were indicating and advocating remedies for the economic inconsistencies of the time. These economists, as they were called, were among the founders of modern political economy, and their contribution to economic theory and practice was extensive and important. For the most part the economists were landowning nobility. They were primarily concerned, therefore, with land as the chief source of wealth. They based their philosophy on the assumption that natural laws govern the economic relationships of men, from which fact they ultimately came to be known as “physiocrats.” One of their fundamental economic natural laws was the natural law of property, one of the essentials in the adequate functioning of which was the complementary natural law of free and untrammelled enterprise. Their theories were antagonistic to the existing mercantilist system with its governmental regulation; in fact it was one of the physiocratic group who coined the expression laissez-faire, which generally characterizes their economic policy. Outstanding among the exponents of the new economic philosophy were Francois Quesnay (the King’s physician), the Sieur de Gournay, and Pierre Samuel Dupont de Nemours. Although originally concerned only with land, it was inevitable that their ideas should spread to commerce and industry where they served to rationalize the interests of the middle class.

At one with the other thinkers of the time in the attempt to help mankind, yet apart from them in his approach to the problem, was Jean Jacques Rousseau

(1712-1778). Born in Geneva of poor parents, and haphazardly self-educated, Rousseau manifested his first serious indication of an interest in humanity in an essay which won the prize in a competition sponsored by the Academy of Dijon in 1749. The essay averred that science and the arts had exercised a retarding influence on human development; and for the remainder of his life Rousseau endeavored to devise remedies for this alleged malady of society. His most influential writings were *Emile*, a treatise on education (1762), and (in the same year) the *Social Contract*, a curious combination of fact and fancy, affording a critique of political, social, and economic organization. Rousseau's assumption in the *Social Contract* was that all men originally were equal and good, but that, owing to their environment, they had become unequal and bad. To be saved from themselves men must return to the happy "state of nature" whence they came, a state which could not be attained until the idea of the social compact was enforced, with the law expressing the general will. Nor could this be done by reason alone as the *philosophes* suggested; even more essential were the "promptings of the heart." It was his emphasis on sentiment which distinguished Rousseau from the *philosophes* and the economists, and which, through the emotional fervor of his writings, gained him a wide reading public despite the derision of his fellow publicists. Not until the days of the Convention were serious efforts made to realize Rousseau's "state of nature"; yet his service in giving impetus to the doctrine of popular sovereignty ranks him as a vital force in the French Revolution from its very outset.

The efforts of the critical publicists of the eighteenth century would have been of slight significance had they not enjoyed a wide audience. The nucleus of such an audience, as already noted, was provided by the ambitious middle class, which sought an ideology to justify its claims to power and prestige; and this nucleus was augmented by liberal intellectuals from the privileged classes. Of great importance to the student of the French Revolution are the means by which the propaganda of the Enlightenment reached this nucleus and spread beyond it. There were many media through which ideas could and did circulate in eighteenth-century France. Coffee shops (cafes), an innovation of the early part of the century, provided meeting places where people might discuss current trends, where news could be disseminated, where even the illiterate could learn what was taking place. Masonic lodges likewise afforded an excellent milieu for the exchange of ideas and opinions. Most important, perhaps, were the salons, where patrons of learning held open house for intellectuals from all walks of life, where old books were analyzed and new ones planned, where existing institutions were examined and changes advocated. Salons became so fashionable, indeed, that many relatively unlettered members of the aristocracy held them because it was the mode.

Pamphlets were perhaps the most universal vehicle for the diffusion of the ideas of the Enlightenment. Until the Revolution, newspapers were few and books were expensive. Pamphlets, however, could be written and printed rapidly, circulated inexpensively, and passed easily from reader to reader. Furthermore, they were a facile means of evading the censorship which, though it declined in severity

of application under Louis XVI, still laid burdens on publishers and authors alike. True, relatively few Frenchmen of the Old Regime could read, but many of those who could do so passed their knowledge to their less fortunate fellows by word of mouth. Public opinion, already a force in France, was to achieve greater import under the stimulus of the new propaganda.

One of the most interesting and important propagandist devices of the age was the *Encyclopaedia*, largely the work of Denis Diderot (1713-1784). Diderot's chief object was the organization and systematization of the new ideas, and in collaboration with other intellectuals he produced in the *Encyclopaedia* an elaborate synthesis of the new learning. Everyone of importance in the realm of thought contributed articles to the project. Those who could afford to subscribe to it in advance or to buy it were frequently the ones who would advocate and support most enthusiastically the ideas and information it contained. It is to Diderot, perhaps more than to any other single individual, that the thinkers of the eighteenth century owe the consolidation and propagation of their principles in a form at once dignified and effective.

To thinking Frenchmen of the eighteenth century—and especially to Frenchmen of the middle class—the Enlightenment brought a philosophy of optimism, a theory of progress. By focusing attention on the need for change and by providing the molds in which such change might be cast, its principal exponents facilitated the advent of the Revolution. By the close of the third quarter of the century, France was

ripe for such a revolution; and the crisis which was to precipitate it was to come before the end of the reign of the ill-fated Louis XVI.

IV. IMMEDIATE ANTECEDENTS

When, in May, 1774, Louis XVI became King of France, he was faced with numerous and serious problems. France had lost prestige, colonies, and maritime power. The government was inefficient and in constant financial difficulties. Economic and social conditions left much to be desired. And discontent with these conditions was being vitalized by the forces of the Enlightenment. It was a situation which required the leadership of a man of insight and initiative. Unfortunately, instead of the wisdom of a Henry IV, the aggressiveness of a Louis XIV, or even the affable ennui of the late, unlamented Louis XV, Louis XVI possessed little more than virtue and an ability to offend his fellow men. The untimely death of his father, the direct heir to the throne, had placed upon the young man a responsibility which he was not capable of bearing. He had not been educated for kingship, he possessed few of the attributes of a monarch (except perhaps a dignified aloofness), and he had little interest in and less knowledge of affairs of state. Bulky, shy, and awkward, Louis XVI sought refuge in his two chief interests, studying and hunting; and when he was not in his private rooms solving mathematical problems and drawing maps, he was riding to the chase. He was vacillating in his dealings with people, and was easily influenced by those close to him. And his ideas of government were conditioned by the tradition of divine-right monarchy.

Nor was Louis' ineptitude offset by the accomplishments of his young Queen, Marie Antoinette, daughter of the Hapsburg Empress Maria Theresa. Coming to France as little more than a child, virtually uneducated, and married to a dull husband, Marie Antoinette found outlet for her high spirits in a round of amusement in the most corrupt court in Europe. Usually extravagant and frequently indiscreet, hated as an Austrian and envied by many of the court favorites, and unfortunate in her selection of friends, the young Queen became the subject of gossip. Her ignorance of and indifference to business of state rendered her more of a liability than an asset to her husband.

Had either Louis or his Queen even been capable of serving their people as a benevolent despot, the rigors of a revolution might have been averted—at least in the form in which it ultimately came. But France was not to experience benevolent despotism. Rather it was to suffer the ineffectuality of a monarch who managed (for the most part unwittingly) to delay the Revolution for fifteen years through the efforts of his ministers.

At the accession of Louis XVI financial difficulties constituted the chief problem in France. The office of greatest import in the royal ministry, therefore, came to be that of Controller-General of Finance. Louis was singularly happy in his choice of the first incumbent of that position during his reign—Anne Robert Jacques Turgot. A leading economist and a successful intendant, Turgot was the hope of all who sought economic betterment. His basic policies were “no bankruptcies, no new taxes, no loans”; and within a year he had reduced the treasury deficit and

paid off a large portion of the floating debt. Turgot aimed at increasing government revenue and eliminating the deficit, but his efforts were blocked at every turn. His introduction of free trade in grain failed in its purpose of increasing prosperity, partly because of the opposition of those who profited from speculation, partly because of a crop shortage which produced fear of famine and a demand for renewed government regulation. His economies brought vigorous opposition from privileged groups, which refused to sacrifice their prerogatives. His abolition of the royal *corvee* and the guilds, in the interests of equalizing tax distribution and industrial and commercial participation, aroused the antagonism of vested interests and *parlements*. The latter had been abolished in 1771, but Louis XVI, in an attempt to gain popularity, had restored them, against Turgot's advice. Now they reappeared as a conservative group, forcing the King to enact laws by *litde justice*, yet endeavoring to give the popular impression that they were a check on royal absolutism.

Turgot managed to establish a Discount Bank, which continued until 1789 and tided the government over several financial crises; but his further tentative reforms in taxation, local government, and industry so aroused opponents of change that they persuaded the King to dismiss him. In May, 1776, Turgot retired to private life, most of his reforms were shelved, and many of the institutions which he had abolished (e.g., the *corvee* and the guilds) were restored. Turgot's failure must be attributed to the lack of royal support against the enemies of his reform measures. It was typical of what was to follow during a succession of ministries. Although

frequently fortunate in his choice of finance ministers, Louis never possessed the determination to support them wholeheartedly in their programs of reform. He might well have profited from a careful pondering of Turgot's alleged remark on the occasion of his retirement: "Sire, remember that it was weakness that brought the head of Charles I to the block."

After a brief interlude, Turgot was succeeded by the Swiss banker, Jacques Necker. Since Necker was a Protestant he was not permitted to assume the title or office of minister; nevertheless, he obtained the full powers, if not the cognomen, of Controller-General of Finance. Necker can hardly be said to have possessed the qualities of a statesman, but he was competent, if not always wise, in his handling of the intricacies of high finance. Partly on the basis of the efforts of his predecessor, partly on the basis of his own ideas, he set to work, and for five years devoted himself to the difficult task of financial rehabilitation. In addition to ordinary financial complications, Necker was faced with expenditures occasioned by French participation in the American War of Independence. He endeavored to solve his problems through economies involving the elimination of certain pensions, reduction of the expenses of the royal household, and reorganization of the system of tax collection. He also resorted to loans which succeeded chiefly because of his reputation as an able financier. Taxpayers marvelled at Necker's ability to increase the national debt without increasing taxes; they did not realize that a large part of his loans went towards paying interest on previous ones, and that sooner or later new taxes would be inevitable.

Besides his financial activities, Necker undertook a program of economic and administrative reform. In 1779 he persuaded the King to abolish serfdom on the royal domains, in the vain hope that the nobles would do likewise. He followed Turgot in attempting to improve local government by introducing provincial assemblies. The few assemblies that he was able to establish were important because they revived the idea of local autonomy as contrasted with the centralized system of the Old Regime; moreover, they were so constituted that the commoners received as many representatives as the other two orders together, an innovation subsequently of great importance in connection with the organization of the Estates General.

In 1781 Necker broke with tradition by publishing a national financial statement, his *Compte rendu*. His aim in so doing was threefold to inspire public confidence, to minimize the difficulties of the national financial situation, and to obtain for himself the rank and title of minister. The first objective he achieved by permitting the populace to view, for the first time, an approximation of the financial status of the government. The second objective likewise he attained by omitting many items of importance, e.g., the expenditures occasioned by the American War. The third objective, however, failed of accomplishment; his petition for the rank of minister was rejected, and in May, 1781, he resigned. During his ministry Necker, like Turgot, had not always enjoyed the support of the King, and he had further antagonized various groups and interests. Yet he had managed to effect economies and reforms, endear himself to the general public,

and give publicity to the national financial situation. Unfortunately, the beneficial character of his accomplishments was to be offset for his successors by the nature and extent of his errors.

For some two years after the resignation of Necker the financial affairs of France were in the hands of incompetent administrators, who found the problems far beyond their limited abilities. Finally, in the autumn of 1783, Louis appointed a new finance minister, Charles Alexandre de Calonne, an intelligent, experienced intendant, who, although notoriously prodigal with his personal finances, was fully aware of and competent to deal with the situation confronting him. Calonne believed that his initial work should be the restoration of public confidence. This, he assumed, could be accomplished by giving the appearance of governmental prosperity. Accordingly, throwing economy to the winds, he began to spend freely and float enormous loans. Over a period of three years he borrowed more than 650,000,000 *livres*, part of which went to silence opponents of reform, part to fund the costs of the American War, part to pay off previous debts, and part to launch an elaborate program of public works. This last, coinciding with a good harvest, inaugurated a period of artificial prosperity. But the profits from this prosperity were thinly distributed, higher prices were not followed by increased wages, purchasing power declined, and government tax revenues lagged. The appearance in 1785 of three volumes by Necker on *The Administration of the Finances of France*, emphasizing the need of a balanced budget, enhanced the seriousness of the steadily increasing government deficit. Industrial

unemployment in several parts of France, consequent upon an Anglo-French commercial treaty of 1786 (which, incidentally, gave the rapidly growing industries of England the benefit of markets in a France which had not yet been affected by the Industrial Revolution) more than offset any French advantages inherent in that agreement and furthered the decline of public confidence. And an unsavory court affair (the “diamond necklace scandal”) evoked increased criticism of the royal household and the privileged classes.

Virtually at his wit’s end for satisfactory expedients, Calonne in desperation reverted to the projects of his predecessors. The program with which he approached the King, toward the close of 1786, was so familiar in content that Louis is said to have protested that it was nothing but “Necker, pure and simple.” For that matter it was Turgot as well; but as Calonne proceeded to point out, nothing better was available at the moment. It was obvious to both the King and his minister that the proposed reforms—abolition of the *corvee*, restoration of free trade in grain, expansion of the principle of local assemblies, reduction of some of the more obnoxious taxes, and extension of the land tax—would meet only strenuous opposition if presented to the *parlements*. Accordingly, they decided to submit it elsewhere, to an agency hitherto generally submissive to the royal will, the old advisory body of prominent men known as the Assembly of Notables. The 144 members of this august body met at Versailles in February, 1787. Largely representative of the privileged classes, however, they failed to live up to expectations, and were almost unanimous in their rejection of Calonne’s proposals. So adamant was

their opposition that Louis again found himself forced to dispense with the services of a minister. In April Calonne was dismissed and withdrew to England. The financial problems of France remained unsolved. In many respects the solution seemed more remote and unattainable than at any time since 1774. Yet it was to come in an unanticipated manner and with unexpected accompaniments under Calonne's successors.

Calonne was succeeded almost at once by Lomenie de Brienne, Archbishop of Toulouse, who assumed the headship of the Council of Finance and the title of Principal Minister. Brienne, although but recently an opponent of Calonne's projected reforms, was well aware of their validity, and soon advocated the adoption of many of them, augmenting his recommendations with a stamp tax on legal transactions. Again the Notables were adamant in their opposition, but assurances of royal support materialized, and, instead of discharging a minister, Louis dismissed the Notables late in May.

Up to this time the King had steadfastly refused to appeal to the Estates General, which, he feared, might impose restrictions on the royal power. Hence, his sole resource now lay with the *parlements*. The *parlements*, however, indicated substantial agreement with the Notables, especially concerning the proposed reforms in taxation. They even asserted that only the nation, as represented in the Estates General, possessed the right to determine such matters; and, although thus admitting their own insufficiency, they gave emphatic expression to a growing belief in similar inadequacy on the part of the King. Louis' forced registration of the new

tax laws in a *lit de justice* resulted in further protests by the *parlements* and the “exile” of the *Parlement* of Paris to Troyes in August, 1787. Public sympathy was generally on the side of the *parlements* because of their advocacy of the convocation of the Estates General. Actually the *parle-ments* were not interested in the welfare of the populace, but believed that if the Estates General met according to traditional forms, the privileged classes would have the upper hand and could dissipate the reform movement and reduce royal absolutism.

In September, 1787, the *Parlement* of Paris, weary of its enforced sojourn in Troyes, agreed to a compromise with the King. The government was to withdraw the recently enacted tax legislation; the *parlements* were to relieve the financial strain by prolonging and extending some existing taxes. Within two months, however, the compromise broke down. Still sorely pressed for money, the King decided to float new loans over a five-year period, and, as a palliative measure, to promise a meeting of the Estates General within that time. Arbitrary registration of the edicts on the proposed loans, however, brought further opposition from the judges. Declaring the King’s actions illegal, they stubbornly pressed their demand for an earlier meeting of the Estates General. By so doing they precipitated a deadlock in the struggle between monarchy and aristocracy, attempts at the breaking of which merely resulted in further agitation for an immediate meeting of the Estates General.

By the spring of 1788 the tension of the situation was heightened by the outbreak of sporadic riots

(some of them incited by the aristocratic enemies of the King) and by food shortages. Moreover, the financial bourgeoisie, who had been supporting the King, were becoming skeptical of his ability to safeguard their vested interests, and were unwilling to continue their support of the National Treasury. Likewise, the commercial-industrial bourgeoisie who, for similar reasons, had been giving their support to the *parlements*, were becoming dubious as to the sincerity of those aristocratic advocates of the Estates General. In fact, the uncertainties of the situation were gradually impelling the two groups of upper middle-class Frenchmen into a coalition against their former allies. Circumstances were soon to broaden this coalition into a union of all commoners against the privileged classes. The revolt of the aristocracy against the despotism of the King was soon to be overshadowed by the revolt of the third estate against the despotism of the Old Regime. The occasion appeared when, in the summer of 1788, Louis, desperately in need of a financial expedient, resorted to the Estates General. The summoning of this apparently defunct assembly constituted the inevitable and final crisis. The Revolution was at hand!

Suggestions for Reading and Reference

THE ANTECEDENTS OF THE FRENCH REVOLUTION

GENERAL

Acton, pp. 1-38; Aulard, v. 1, pp. 79-126; Bourne, pp. 3-73, 74-87; Bradby, pp. 1-15; C. H. B. F. P., v. 1, pp. 58-186; C. M. H., v. 6, and v. 8, pp. 1-114; Deslandres, v. 1, pp. 9-31; Gasc-Desfosses, v. 1,

pp. 1-382; Gershoy, pp. 3-98; Gottschalk, pp. 3-101, 106-115; Hazen, v. 1, pp. 3-172; Henderson, pp. 1-24; Higgins, pp. 1-67; Jaures, v. 1, pp. 3-136 [Mathiez ed., v. 1, pp. 1-172]; Kropotkin, v. 1, pp. 1-34; L. and R., v. 7, and v. 8, pp. 1-35, 50-51 *passim*; L., G., and S., pp. 1-28 *passim*; Madelin, pp. 1-37; Masson, ch. 1; Mathews, pp. 1-112; Mathiez, pp. 1-28; Rambaud, v. 2; Rose, pp. 1-34; Sorel, v. 1, pp. 1-537; Stephens, pp. 1-49; Thompson, ch. 2-10 *passim* [Am. ed., *ibid.*]; Thompson, *Witnesses*, pp. 1-19.

SPECIAL

International Antecedents (Europe in the Eighteenth Century)

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CHAPTER ONE--THE ESTATES GENERAL

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CHAPTER ONE

THE ESTATES GENERAL (5 *July*, 1788-27 *June*, 1789)

The French Revolution was precipitated by the summoning of the Estates General.

During the months from July, 1788, to January, 1789, plans were made for the convocation (I). The elections began in February, and continued throughout the Spring. Outstanding among their accompaniments were the appearance of critical pamphlets (II), and the drafting of *cahiers* (lists of grievances) by which the several orders indicated their aims and intentions (III).

The actual meeting, early in May, produced an impasse over matters of procedure, a deadlock which was finally broken in June by the commoners, who set themselves up as a National Constituent Assembly (IV). The King's attempt to discountenance such action through a Royal Session resulted only in continued defiance on the part of the Third Estate,

and ultimately in royal recognition of their recently created Assembly (V).

Thus, by the end of June, 1789, the Estates General, summoned as a financial expedient, was no more. In its place was a new National Assembly, composed of all three orders, created by extralegal procedure, reluctantly acknowledged by the King, and motivated by the avowed intention of providing France with peace, order, prosperity, and a constitution.

The first step in the French Revolution had been taken.

I. CONVOCATION OF THE ESTATES GENERAL

The King's apparent capitulation to demands for the Estates General assumed tangible form in the issuance, on 5 July, 1788, of an Order in Council, requesting information concerning the Estates General, and implying early fulfillment of his previous promise to convoke that body (1). And on 8 August Louis announced that the convocation would take place on 1 May, 1789.

The impending meeting provoked a widespread controversy over the composition of the Estates General. Conservatives demanded adherence to the forms of 1614, whereby the three orders would have equal representation and would sit and vote by order. Liberals, on the other hand, insisted upon double representation for the commoners; and, in order that this might be really effective, they demanded joint deliberations and vote by head as well. An attempt to reach a compromise by

appealing to a second Assembly of Notables, which sat from 6 November to 12 December, 1788, resulted chiefly in antagonizing both the Third Estate and the reactionary elements- Harassed and perplexed, Necker (who had been recalled to office in August) advised a policy of mediation. This materialized on 27 December in the form of a special order, providing that the Estates General should consist of at least 1,000 deputies, chosen on a basis of population and taxation, and that the Third Estate should have as many representatives as the other two orders combined.

To the privileged classes this action was dangerous because it departed from traditional forms. To the commoners it was inadequate because it made no mention of rules for sitting and voting. Without joint sessions and vote by head, double representation would give the Third Estate no advantage in the struggle with privilege. Hence they preferred to consider these matters “ignored,” despite the obvious implication that previous practice would prevail.

Controversies over forms were soon subordinated, however, to the problem of the convocation itself. The Royal Letters authorizing it (2) and the regulation whereby the elections were to be conducted (3) appeared early in 1789.

1. Order in Council Requesting Information Concerning the Estates General

5 July 1788

SOURCE: **Duvergier, v. 1, pp. 1-2. See also: Jourdan,**
Recueil general des and-

*ennes lois frangaises, v. 28, pp. 601-604; Brette, Recueil
de documents relatifs a la convocation des £tats Generaux
de 1789, v. 1, pp. 19-23.*

This type of appeal was not customary. A royal commission, appointed to study previous meetings of the Estates General, had concluded, however, that the method of convocation used for the last meeting (in 1614) would not be applicable in its entirety in 1789. Accordingly, it had recommended that additional information be obtained.

The significance of the document is twofold. It may be said to have broken the deadlock between the King and the aristocracy—in August the reorganization of the law courts was postponed, and the *parlements* were reinstated. Moreover, it hastened the break between the privileged classes and the Third Estate by providing a legitimate pretext for nationwide discussion, not only of the Estates General, but also of the pressing needs of the time.

The response to the appeal for information was almost immediate. Memoirs began to arrive at the capital, where they were filed for subsequent reference.

*** * ***

The King having declared, in the month of November last, his intention to convoke the Estates General of the realm, His Majesty forthwith ordered whatever

researches might be necessary to render such convocation correct and useful to his people.

To date, the results of the investigations show His Majesty that the official records of former Estates, although adequate in connection with their administration, sessions, and functions, are deficient concerning the observances that precede and accompany their convocation; . . . they supply no specific data with regard to the method of election, or the number or qualifications of voters and candidates.

Meanwhile, His Majesty has decided that if such preliminaries are not established prior to the convocation of the Estates General, the beneficial effects anticipated therefrom may not be realized, the choice of deputies may be subject to dispute, their number may be disproportionate to the wealth and population of the provinces, the rights of certain provinces and cities may be compromised, the influence of the several orders may not be sufficiently equalized, finally, the number of deputies may be too great or too small, and, consequently, may occasion trouble and confusion or preclude satisfactory national representation.

His Majesty always will endeavor to approximate earlier practices; but when these cannot be determined, he wishes to offset the deficiency of previous records by ascertaining . . . the will of his subjects . . .

Accordingly, the King has decided to command that all possible researches concerning the aforementioned matters be made in all

the depositories of each and every province; that the results of such investigations be transmitted to the provincial Estates and the provincial and district assemblies of each and every province, which, in turn, shall apprise His Majesty of their wishes by means of reports or statements directed to him.

The King hopes thus to achieve for the nation the most correct and suitable meeting of the Estates, to prevent disputes which might needlessly prolong the duration thereof, to establish essential proportion and harmony in the composition of the three orders, to assure to this assembly the confidence of the people according to whose will it has been constituted, finally, to render it what it must be—the assembly of a great family headed by a common father. Wishing to provide for which, . . . the King, in Council, has. ordered and does order as follows.

1. All municipal officials of those cities and communities of the realm where elections to the Estates General may have taken place shall be required to examine immediately, in the record offices of the said cities and communities, all official records and documents concerning the convocation of the Estates and the elections made in accordance therewith, and to send the said official records and documents, without delay, to wit: in provinces where there is no assembly subordinate to the provincial Estates or provincial assemblies, to the syndics of the said provincial Estates and provincial assemblies; and in those where there are subordinate assemblies, to the syndics of such assemblies, or to their intermediate commissions.¹

2. The provincial officials shall be required to conduct similar investigations in the record offices of their jurisdictions, and to send the results thereof to the Keeper of the Seals, whom His Majesty has charged with communicating the said results to the aforementioned syndics and intermediate commissions.

3. His Majesty invites, in each and every province of his kingdom, all who possess knowledge of the aforementioned official records and documents, or information relative to the aforementioned convocation, to transmit them likewise to the aforementioned syndics.

4. His Majesty intends that, on their part, the aforementioned syndics and intermediate commissions shall conduct the necessary researches in this connection, and that the results thereof shall be presented to the aforementioned Estates and assemblies, in order that they may draft a common petition and direct a report concerning the matters contained in the results of the said researches, which shall be sent by the said syndics to the Keeper of the Seals.

5. In provinces where there are subordinate assemblies, the petition of such assemblies, with all the documents appended thereto, shall be forwarded to the superior assembly, which, likewise, shall transmit its petition, and shall send it, as stated, to the Keeper of the Seals, with the petition, the reports, and the documents forwarded to it by the subordinate assemblies.

6. In case the results of all the investigations have not reached the aforementioned syndics before the next session of the Estates and assemblies, His Majesty, desiring that the information which he seeks may reach him within the first two months of next year at the latest, intends that the said assemblies, subordinate as well as superior, shall not dispense with drafting a petition and a report on matters relative to the present decree because of a lack of documents and information; and that, after the adjournment of the said assemblies, the syndics and intermediate commissions shall forward whatever new and interesting documents may reach them.

¹ i.e., their administrative agencies.

7. If there be diversity of opinion in some of the aforementioned assemblies, His Majesty intends that such divers opinions shall be stated with substantiating reasons; His Majesty even authorizes every deputy to the said assemblies to append to the general report of the assembly all special memoirs in favor of the opinion he has espoused.

8. At the same time His Majesty invites all the scholars and educated persons of his kingdom, particularly those constituting the Academy of Inscriptions and Belles-Lettres of his good city of Paris,² to direct to the Keeper of the Seals all information and memoirs connected with matters contained in the present decree.

9. As soon as the aforementioned reports, information, and elucidations have reached the Keeper of the Seals, His Majesty will study them,

and will endeavor to determine exactly the observances for the next convocation of the Estates General, in order that it may be as national and as correct as it should be.

2. Royal Letter of Convocation

24 January, 1789

SOURCE: A. P., v. 1, pp. 543-544 and 611. See also: Brette, *Receuil de documents relatifs a la convocation des ttats Generaux de 1789*, v. 1, pp. 64-66.

The Royal Letters of Convocation, in the form shown herewith, were issued to local officials as election writs.

*** * ***

By Order of the King

Our beloved and faithful, we need the co-operation of our loyal subjects in surmounting all our financial difficulties and in establishing, according to our wishes, a constant and invariable order in all branches of the government which affect the welfare of our subjects and the prosperity of our kingdom. Such worthy motives have induced us to convoke the assembly of the estates of all the provinces of our dominion to advise us and assist us in whatever is presented to them and to inform us of the wishes and grievances of our people, so that ... an efficacious remedy for the ills of the State may be ob-

² This Academy was the national historical society, founded in 1663 by Colbert. tained as promptly as

possible, and abuses of every sort reformed and prevented by safe and sound methods which will assure public felicity and will restore to us in particular the peace and tranquillity whereof we have been deprived for so long.

For these reasons we inform and notify you that we wish to open the sessions of the free and general estates of our kingdom on Monday, 27 April next,¹ in our city of Versailles, where we intend and desire that some of the most eminent personages of each and every province, *bailliage*, and *senechaussee* will be present. And to that end we apprise you and most expressly direct that, as soon as the present letter has been received, you are to convoke and assemble, in our city of_, as soon as possible, all three estates of the *bailliage* (or *senechaussee*) of_, in or der to confer together and to voice remonstrances, complaints, and grievances, as well as methods and opinions which they wish to propose in the general assembly of our said estates; and this done, to elect, choose, and name_, and no more, from each and every order, all personages worthy of that great mark of confidence because of their integrity and noble sentiments; which convocations and elections shall be carried out according to the forms prescribed for the entire kingdom by the regulation annexed to the present letter; ² and the said deputies shall be provided with general instructions and powers qualifying them to propose, indicate, advise, and authorize whatever may pertain to the needs of the State, the reform of abuses, the establishment of a stable and durable order in all branches of the administration, the general prosperity of our kingdom, and the welfare of each and every one of our subjects;

assuring them that, on our part, they will encounter all good will for maintaining and causing to be achieved whatever has been contrived between us and the said estates relative either to taxes which they have authorized or to the establishment of an invariable rule in all branches of the administration and public order; promising them to request, and to listen favorably to, their opinions concerning whatever may affect the welfare of our people, and to attend to the grievances and proposals they have made; in such manner that our kingdom, and all our subjects in particular, may forever enjoy the salutary consequences which they undoubtedly anticipate from so notable an assembly.

3. Regulation for Execution of the Letters of Convocation

24 January, 1789

SOURCE: Duvergier, v. 1, pp. 13-19. See also: A. P.-. v. 1, PP- 544 550, B. and R. v. 1, pp. 262-276 [preamble lacking]; Hebe, pp. 6-18; Jourdan, *Recueil general des anciennes lois frangaises*, v. 28, pp. 634-648; Brette, *Recueil de ocumen s relatifs a la convocation des Etats Generaux de 1789*, v. 1, pp. 66-87.

The official election writs were accompanied by this elaborate regulation, according to which most of the elections to the Estates General were to be conducted. The royal commission which planned the elections based its recommendations partly on the memoirs resulting from the Order in Council of 5 July, 1788, partly on a report of the second Assembly of Notables. Elections in Paris and in certain other

sections of the kingdom were conducted according to special decrees.³

It should be noted that, in the matter of suffrage, this document was much more liberal than most of the corresponding provisions enacted during the Revolution.

The King, in addressing letters of convocation for the Estates General to the divers provinces subject to his dominion, has desired that all his subjects be summoned to co-operate in the election of the deputies who are to constitute that great and august assembly. His Majesty has desired that, from the extremities of the kingdom and from the most obscure settlements, every one be assured that his wishes and claims will reach Him; . . . His Majesty has recognized, then, with real satisfaction that, by means of the graduated assemblies ordered throughout France for the representation of the third estate, he would have a means of communicating with all the inhabitants of his kingdom, and that he could approximate their needs and wishes more surely and directly. His Majesty has further endeavored to realize that particular objective by summoning to the assemblies of the clergy all the good and useful pastors who are intimately occupied daily with the poverty and relief of the people, and who are more familiar with their misfortunes and misgivings. Nevertheless, the King has provided that at no time will parishes be deprived of the presence of their *cures* or of ecclesiastics capable of substituting for them; and to that end His

Majesty has permitted *cures* without vicars to exercise their suffrage by proxy.

The King summons, without discrimination, all members of the nobility, landowners or otherwise, to the right of being elected as deputies of that order; it is by their personal qualities, by the virtues for which they are accountable to their ancestors, that they have always served the State and will serve it again, and the most estimable among them will always be the most worthy of representing them.

In regulating the order of convocations and the form of assemblies, the King has wished to observe previous usage as far as possible. His Majesty, guided by this principle, has preserved in all *bailliages* which sent deputies directly to the Estates General in 1614 this privilege consecrated by time, provided at least that they have not lost the attributes for which such distinction was granted; and in order to establish a uniform rule, His Majesty has extended the same prerogative to the few *bailliages* which have acquired similar attributes since the last Estates General.

As a result of such arrangement, some small *bailliages* will have more deputies than if the division were exactly proportionate to their population; but His Majesty has reduced the disadvantage of such inequality by assuring to other *bailliages* a deputation proportionate to their population and importance; and the only consequence of these new combinations will be a slight increase in the general number of deputies. Respect for previous usage, however, and the necessity of reconciling it with present circumstances without offending

the principles of justice, have rendered the entire organization of the next Estates General and all the preliminary arrangements very difficult and frequently defective. Such inconvenience would not have existed had an entirely free course been followed, determined only by reason and equity; but His Majesty has believed it better to satisfy the wishes of his people by reserving to the assembly of the Estates General the task of remedying unavoidable inequalities and preparing a more adequate system.

His Majesty . . . expects . . . that the voice of conscience alone will be heard in the choice of deputies to the Estates General. His Majesty exhorts the electors to remember that men of wisdom merit the preference, and that, by a happy accord of morality and politics, it is rare in public and national affairs that the most honest men are not also the most able. His Majesty is persuaded that the confidence due an assembly which is representative of the entire nation will prevent anyone's giving the deputies any instruction aimed at impeding or disturbing the course of deliberations. He hopes that all his sub-

jects will keep constantly in mind the inappreciable good which the Estates General can effect, and that such an important consideration will preclude their yielding prematurely to a spirit of misgiving . .

. Finally, His Majesty, according to the usage observed by the kings his predecessors, has determined to reassemble the Estates General of the kingdom about him, not with a view to restricting the liberty of their deliberations in any way, but in order to preserve for them the character

dearest to his heart, that of counsel and friend. Accordingly, His Majesty has ordered and does order as follows.

1. Letters of convocation shall be sent to the governors of the several provinces of the kingdom, who shall forward them, throughout their governments, to the military *baillis* and to whom they are directed, or to their lieutenants.

2. With a view to facilitating and simplifying the operations prescribed by the present regulation, *bailliages* and shall be divided into two classes.

The first class shall include all *bailliages* and *senechaussees* to which His Majesty has decided that his letters of convocation ought to be directed in conformity with the practice of 1614.

The second class shall include those *bailliages* and *senechaussees* which, not having sent deputies directly in 1614, His Majesty has considered still obliged to be represented only secondarily and conjointly with the *bailliages* or *senechaussees* of the first class; but in either class, *bailliages* and *senechaussees* will be those areas to which cognizance of royal cases is assigned.

3. *Bailliages* or *senechaussees* of the first class shall be designated by the title of principal *bailliages* or *senechaussees*; those of the second class by that of secondary *bailliages* or *senechaussees*.

4. The principal *bailliages* or *senechaussees* constituting the first class shall have an *arrondissement* within which the secondary *bailliages* or *senechaussees* constituting the second

class shall be included and allotted, either because of their proximity to the principal *bailliages* or *senechaussees*, or by reason of their separation from the former jurisdiction of the said *bailliages* or *senechaussees*.

5. In the statement hereinafter mentioned and annexed to the present legislation, *bailliages* or *senechaussees* of the second class shall be indicated after the *bailliages* and *senechaussees* of the first class, of which they constitute the *arrondissement*,⁶

6. As a consequence of the distinctions established by the preceding articles, the letters of convocation shall be directed to the *baillis* and *senechaux* of the principal *bailliages* and and the said principal *baillis* and *senechaux*, or their lieutenants, shall send collated copies of them and of the present regulation to the secondary *bailliages* and *senechaussees*.

7. Immediately after the receipt of the letters of convocation, on the requisition of the public prosecutor, the principal *baillis* and *senechaux*, or their lieutenants, shall have them proclaimed in the court and registered in the record office of their seat, and shall have the usual procedures observed in order to give them the greatest publicity.

8. . . . The public prosecutor alone shall have the right to assist the *baillior senechal*, or his lieutenant, and he, or in his absence the

King's Advocate, shall be required to effect all necessary requisitions or proceedings to obtain the said execution.

9. At the request of the public prosecutor, the said principal *baillis* and *senechaux*, or their lieutenants, shall effect the summons of bishops and *abbes*, all chapters, endowed ecclesiastical bodies and communities, regular and secular, of either sex, and in general all ecclesiastics holding benefice or commandery, and all nobles holding fief throughout the entire extent of the ordinary jurisdiction of their principal *bailliage* or *senechaussee*, to appear at the general assembly of the principal *bailliage* or *senechaussee* on the day indicated by the summons, which day may not be later than 16 March next.

10. Accordingly, in every secular chapter of men an assembly shall be held, which shall separate into two parts, one of which, composed of canons, shall elect one delegate for ten canons or fewer present, two for from ten to twenty, and so on; and the other part, composed of all ecclesiastics pledged to holy orders, associated by some function with the services of the chapter, shall elect one delegate for twenty or fewer of the said ecclesiastics present, two for from twenty to forty, and so on.

11. All other endowed ecclesiastical bodies and communities, regulars of either sex as well as chapters and communities of women, may be represented only by a single delegate or authorized proxy chosen from the secular or regular ecclesiastical order.

Since seminaries, colleges, and hospitals are public establishments, in the preservation of which all orders have an equal interest, they shall not be represented.

12. All other ecclesiastics holding benefice and all nobles holding fief shall be required to present themselves in person at the assembly, or to have themselves represented by an authorized proxy chosen from their order. In the event that some of the said ecclesiastics or nobles have not been summoned or have not received the summons which is to be given them at the principal manor of their benefice or fief, they may present themselves, nevertheless, at the assembly in person, or they may have themselves represented by authorized proxies, by giving proof of their titles.

13. The summons to peers of France shall be given at the chief town of their peerages, and the appearance in court [of law] of the said peers following the summons may not be prejudicial to the rights and privileges of their peerages under any circumstances or in any manner.

14. The *cures* of parishes, boroughs, and rural communities, more than two leagues distant from the city where the assembly of their *bailliage* or *senechaussee* is held, may appear therein only by proxies chosen from the ecclesiastical order, unless they have in their cures resident vicars or officiating ministers capable of performing their duties, which vicars or officiating ministers may not leave the parish during the absence of the *cures*.

15. In every city all ecclesiastics pledged to holy orders and not holding benefice shall be required to meet at the home of the *cure* of the parish where they are habituated or domiciled, there to choose one deputy for twenty ecclesiastics or fewer present, two for from twenty to forty, and so on, not

including the *cure*, to whom the right of attending the general assembly appertains by virtue of his benefice.

16. All other ecclesiastics pledged to holy orders and not residing in cities, and all nobles possessing acquired and transmissible nobility but not fief, who are native or naturalized Frenchmen, twenty-five years of age, and domiciled in the jurisdiction of the *bailliage*, shall be required, by virtue of the publication and posting of the letters of convocation, to present themselves in person at the assembly of the three estates of the *bailliage* or *senechaussee*, without authority to have themselves represented by proxy.

17. Ecclesiastics or nobles holding benefices or fiefs situated in several *baillies* or *senechaussees* may have themselves represented at the assembly of the three estates of each one of said *baillies* or *senechaussees* by an authorized proxy chosen from their order; but they may have only one vote in the same general assembly of a

bailliage or *senechaussee*, irrespective of the number of benefices or fiefs they possess therein.

18. Any ecclesiastic pledged to holy orders, who holds fiefs not dependent on benefices, shall take his place in the ecclesiastical order if he appears in person; but if he furnishes a proxy he shall be required to bestow it on a noble, who shall take his place in the order of the nobility.

19. Commanders and *baillis* of the Order of Malta shall be included in the ecclesiastical order. Novices

without benefice shall be included in the order of the nobility, and lay brothers who have taken no vows, in the order of the third estate.

20. Women who possess *divisement*, girls and widows, as well as minors who possess nobility, may have themselves represented by proxies chosen from the order of the nobility, provided that the said women, girls, widows, and minors hold fiefs.

21. All deputies and authorized proxies shall be required to bring all memoirs and instructions remitted to them by their constituents, and to present them at the time of the drafting of the *cahiers* in order to obtain suitable consideration therein. At the time of said drafting, and in every other deliberation, the said deputies and authorized proxies may exercise only their personal suffrage; but, for the election of deputies to the Estates General, the legal representatives of ecclesiastics holding benefices and of nobles holding fiefs may have, apart from their personal suffrage, two votes and no more, irrespective of the number of their constituents.

22. Upon the requisition of the public prosecutor, the principal *baillis* and *senechaux*, or their lieutenants, shall have the municipal officials of cities, mayors, consuls, syndics, superintendents, or other officials of parishes and rural communities within the extent of their jurisdiction for royal cases, notified of the letters of convocation and of the present regulation by a royal *huissier*, with a summons to have the said letters and regulation proclaimed in the sermon of the parochial masses, and at the close of the said masses, at the door

of the church in an assembly convoked in the customary form.

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24. Within a week at the latest after the notification and publication of the letters of convocation, all inhabitants constituting the third estate of the cities, as well as those of boroughs, parishes, and rural communities which have separate tax rolls, shall be required to assemble, in the form hereinafter prescribed, for the purpose of drafting the *cahier* of their complaints and grievances and electing deputies to take the said *cahier* to the place and on the day designated by the act of notification and summons they have received.

25. Parishes and communities, and boroughs, as well as cities not included in the statement annexed to the present regulation, shall gather at the usual place of assembly and before the judge thereof, or, in his absence, before any other public official; at which assembly all inhabitants constituting the third estate, native or naturalized Frenchmen, twenty-five years of age, domiciled and included in the tax rolls, shall have the right to be present in order to cooperate in drafting the *cahiers* and electing delegates.

26. In the cities designated in the statement annexed to the present regulation the inhabitants shall assemble first by corporation, to which end the municipal officials shall be required to have the syndics or other principal officers of each and every one of the said corporations informed, without the services of a *huissier*, in order that they may have a

general assembly of all members of their corporation convoked. The corporations of arts and crafts shall elect one delegate for 100 individuals or fewer present at the assembly, two for more than 100, three for more than 200, and so on. The corporations of liberal arts, those of merchants, shipowners, and in general all other citizens associated through pursuit of the same occupation and constituting assemblies or authorized bodies, shall elect two delegates for 100 individuals or fewer, four for more than 100, six for more than 200, and so on. In case of difficulty in executing the present article, the municipal officials shall decide thereon provisionally, and their decision shall be executed, opposition or appeal notwithstanding.

27. Inhabitants constituting the third estate of the said cities, who are not included in any bodies, communities, or corporations, shall assemble at the city hall on the day indicated by the municipal officials, and shall elect two delegates for 100 individuals or fewer present at the said assembly, four for more than 100, six for more than 200, and so on in the same proportion.

28. The delegates elected in these several special assemblies shall form at the city hall, under the presidency of the municipal officials, the assembly of the third estate of the city, in which assembly they shall draft the *cahier* of complaints and grievances of the said city and elect deputies to convey it to the place and on the day indicated to them.

29. With the exception of Paris, no city shall send special deputies to the Estates General, the large cities being compensated therefor either by the

greater number of deputies granted to their *bailliage* or *senechaussee* in proportion to the population of the said cities, or by the influence they are in a position to exert over the choice of such deputies.⁷

30. Municipal officials who are not members of the third estate shall have no vote in the assembly over which they preside, either in the drafting of *cahiers* or in the electing of delegates; nevertheless, they may be elected, and the same policy shall be followed with regard to local judges or other public officials who preside over the assemblies of parishes or communities in which they are not domiciled.

31. The number of deputies elected by parishes and rural communities to convey their *cahiers* shall be in the proportion of two for 200 households or fewer, three for more than 200 households, four for more than 300 households, and so on. The cities shall send the number of deputies determined by the general statement appended to the present regulation; and the number of deputies for all who are not included therein shall be established at four.

33. In principal *baillies* or *sen* to which delegates of the third estate of secondary *baillies* or *senechaussees* are to be sent, the *baillis* or *senechaux*, or in their absence their lieutenants, shall be required to convoke, prior to the day designated for the general assembly, a preliminary assembly of the delegates of the third estate of the cities, boroughs, parishes, and communities of their jurisdiction, to reduce their *cahiers* to one and to elect one-fourth of their members to take the said *cahier* to the general assembly of the three estates of the *bailliage* or *senechaussee*, and to co-operate

with the delegates of the other secondary *bailliages* in the reduction of all the *cahiers* of the said *bailliages* or *senechaussees* to one and in the election of the number of deputies to the Estates General specified by the King's letter.

The reduction to one-fourth ordered above in the said principal and secondary *bailliages* shall take place not according to the number of delegates present but according to the number of those who ought to have been present at the assembly, in order that the influence which every *bailliage* is to have on the drafting of *cahiers* and the electing of deputies to the Estates General, in proportion to its population and the number of its dependent communities, may not be diminished by the absence of delegates from the assembly.

⁷ Subsequently, however, a number of other prominent cities received special electoral laws.

34. The reduction to one-fourth of the delegates of cities and communities for the election of deputies to the Estates General, ordered by His Majesty in the principal *bailliages* where the delegates from other secondary *bailliages* are to meet, has been ordered for two reasons: first, to prevent too numerous assemblies in such principal *bailliages*', second, to reduce the difficulty and expense of more and longer journeys of a great number of delegates. Since, however, the second motive is lacking in principal *bailliages* which have no secondary *bailliages*, His Majesty has ordered that in the said principal *bailliages* which have no secondary *bailliages* the election of deputies of the third estate to the Estates General shall be effected,

immediately after the union of the *cahiers* of all the cities and communities, by all the delegates of the said cities and communities who are present, unless the number of the said delegates exceeds 200; in which case only, the said delegates shall be required to reduce themselves to the said number of 200 for the election of deputies to the Estates General.

[Articles 35-38 provide for the elections in secondary *bailliages* and *senechaus-sees* along lines identical with those followed in the principal *bailliages* and *senechaussees*. The one-fourth remaining after the reduction of the preliminary assembly of the third estate in each secondary *bailliage* or *senechaussee* joined the corresponding one-fourth of the preliminary assembly of each principal *bailliage* or *senechaussee* to constitute the general assembly of the third estate of the *bailliage* or *senechaussee* as a whole.]

39. The assembly of the three estates of the principal *bailliage* or *senechaussee* shall be composed of the members of the clergy and nobility who have presented themselves . . . and of the divers delegates of the third estate who have been elected to attend the said assembly. In sessions the order of the clergy shall sit on the right, the order of the nobility on the left, and that of the third estate opposite.⁸ ...

⁸ This was the customary procedure. When followed in the Estates General in 1789, however, it the pride of the third estate (see Section IV of this chapter).

40. The *bailli* or *senechal*, or his lieutenant, shall preside over the assembly of the three orders

united; an official certificate shall be given those present and default given those absent, after which the members of the assembly shall take oath to proceed faithfully to the drafting of the general *cahier* and to the electing of deputies. The ecclesiastics and the nobles shall then retire to the place indicated for their special assemblies.

41. The presidency of the assembly of the clergy shall devolve upon whomsoever the order of the hierarchy selects for such office; that of the nobility upon the *bailli* or *senechal* or, in his absence, upon a president elected by it, in which case the assembly held for such election shall be presided over by the eldest. The assembly of the third estate shall be presided over by the lieutenant of the *bailliage* or *senechaussee* or, in his absence, by whomsoever is to replace him. The clergy and nobility shall choose their secretaries; the registrar of the *bailliage* shall be secretary of the third estate.

42. If difficulties arise over the verification of the titles and qualifications of any of those who present themselves for admittance to the order of the clergy or the nobility, such difficulties shall be settled provisionally by the *bailli* or *senechal* or, in his absence, by his lieutenant assisted by four ecclesiastics for the clergy and four noblemen for the nobility . . .

43. Every order shall draft its *cahier* and elect its deputies separately, unless it prefers to do so in common, in which case the consent of the three orders, taken separately, shall be necessary.

44. In order to proceed to the drafting of the ,commissioners shall be chosen; they shall attend thereto without interruption and without delay, and as soon as their work is finished, the *cahiers* of each and every order shall be agreed upon definitively in the assembly of the order.

45. The *cahiers* shall be drafted and directed with the greatest possible precision and clarity; and the powers with which the deputies are provided are to be general and adequate for proposing, remonstrating, advising, and consenting, as provided in the letters of convocation.

46. Election of the delegates chosen successively to constitute the graduated assemblies ordered by the present regulation shall be by word of mouth; that of deputies to the Estates General, by ballot only.

47. In order to accomplish this last election, a choice first shall be made, by ballot, of three members of the assembly, who shall be responsible for opening the ballots, verifying the number thereof, counting the votes, and announcing the result. The ballots of this first poll shall be deposited by all the deputies successively in an urn placed on a table in front of the secretary of the assembly; and verification thereof shall be made by the said secretary assisted by the three eldest. The three members of the assembly receiving the most votes shall be the three tellers. The tellers shall take their places before the table in the middle of the assembly hall, and they first shall deposit their election ballots in the urn prepared therefor; after which, all the electors shall go likewise, one after

another, to deposit their ballots openly in the said urn. The electors having returned to their places, the tellers shall first proceed to count and verify the ballots; and if the number thereof be found greater than that of the votes within the assembly, including those of proxies, the electors, on the declaration of the tellers, shall proceed at once to a new poll, and the ballots of the first poll shall be burned immediately. If one ballot bear several names it shall be rejected without necessitating a new vote; the same policy shall apply in the event that one or several blank ballots be found. The number of ballots being thus ascertained, they shall be opened and the votes verified by the said tellers in a low voice. A plurality shall be deemed acquired by one vote in excess of one-half the votes of the assembly. All those obtaining such plurality shall be declared elected. In default of the said plurality, they shall vote a second time in the form just prescribed; and if the choice of the assembly is not yet determined by plurality, the tellers shall name the two who receive the most votes, and they alone may compete for the election, which shall be determined by a third round of voting; so that in no case will it be necessary to have recourse to voting more than three times. In the case of a perfect equality of votes between the contestants in the third balloting, the elder shall be elected. All ballots, as well as the notes of the tellers, shall be burned carefully after each and every balloting. They shall vote as many times as there are deputies to be elected.

48. In the event that any person is elected deputy to the Estates General by more than one *bailliage* in the order of the clergy, nobility, or third estate, he shall be obliged to make his choice. If the choice of

the *bailliage* falls upon an absentee, the electors shall proceed immediately, in the same form, to the election of a substitute to replace the said absentee, if because of option or some other obstacle he is unable to accept the deputation.

49. All the graduated elections of delegates, including those of deputies to the Estates General, as well as the remittance thereto of both the special *cahiers* and the general *cahier*, shall be verified by *proces-verbaux* which shall include their powers.

[Articles 50 and 51 close the document with a reiteration of the royal order to local officials to put the electoral regulations into effect, and a general statement designed to eliminate possible obstacles to the convocation of the Estates General. See note to art. 5, *supra*, concerning instructions appended to the document.]

II. ELECTIONS AND PAMPHLETS

By February, 1789, the elections had begun. They took place, for the most part, in an atmosphere of turmoil, intensified by the complex electoral technique and the continued economic distress. Of all the external forces affecting the elections one of the most vital was the growing intellectual ferment which had derived a powerful stimulus from the Order in Council of 5 July, 1788. One of the most significant aspects of this ferment was the appearance of numerous critical pamphlets. One of the most outstanding of these pamphlets was Abbe Sieyes' *What is the Third Estate?* (4)

4. What is the Third Estate?

SOURCE: SIEYES, EMMANUEL, *Qu'est-ce que le tiers état?*, ed. by Edme Champion

(Paris, 1888). [The draft given in this edition is based on the text of the first edition, collated with subsequent texts, and with textual variations indicated. It was published by the Societe de l'Histoire de la Revolution fran aise.]

REFERENCE: FOR THE SPELLING AND PRONUNCIATION OF SIEYES' NAME SEE VAN DEUSEN,

G. G., *Sieyes: His Life and His Nationalism* (New York and London, 1932), p. 11, note 1.

This pamphlet appeared in January, 1789, and attracted a wide public. Sieyes' treatment of the already familiar gospel of the important of the Third Estate imparted a new vitality to his theme. The sixth chapter of the pamphlet provided the basis of the plan eventually followed in transforming the Estates General into a National Constituent Assembly.

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The plan of this pamphlet is very simple. We have three questions to ask:

1 st. What is the third estate? Everything.

2nd. What has it been heretofore in the political order? Nothing. 3rd. What does it demand? To become something therein.

We shall see if the answers are correct. Then we shall examine the the measures that have been tried

and those which must be taken in order that the third estate may in fact become *something*. Thus we shall state:

4th. What the ministers have *attempted*, and what the privileged classes themselves *propose* in its favor.

5th. What *ought* to have been done.

6th. Finally, what *remains* to be done in order that the third estate may take its rightful place.

CHAPTER I The Third Estate Is a Complete Nation

What are the essentials of national existence and prosperity? *Private* enterprise and *public* functions.

Private enterprise may be divided into four classes:

1st. Since earth and water furnish the raw material for man's needs, the first class will comprise all families engaged in agricultural pursuits. 2nd.

Between the original sale of materials and their consumption or use, further workmanship, more or less manifold, adds to these materials a second value, more or less compounded. Human industry thus succeeds in perfecting the benefits of nature and in increasing the gross produce twofold, tenfold, one hundredfold in value. Such is the work of the second class. 3rd. Between production and consumption, as well as among the different degrees of production, a group of intermediate agents, useful to producers as well as to consumers, comes into being; these are the dealers and merchants. . . .

4th. In addition to these three classes of industrious and useful citizens concerned with goods for consumption and use, a society needs many private

undertakings and endeavors which are *directly* useful or agreeable to the *individual*. This fourth class includes from the most distinguished scientific and liberal professions to the least esteemed domestic services. Such are the labors which sustain society. Who performs them? The third estate.

Public functions likewise under present circumstances may be classified under four well known headings: the Sword, the Robe, the Church, and the Administration. It is unnecessary to discuss them in detail in order to demonstrate that the third estate everywhere constitutes nineteen-twentieths of them, except that it is burdened with all that is really arduous, with all the tasks that the privileged order refuses to perform. Only the lucrative and honorary positions are held by members of the privileged order. . . . nevertheless they have dared lay the order of the third estate under an interdict. They have said to it: "Whatever be your services, whatever your talents, you shall go thus far and no farther. It is not fitting that you be honored." . . .

* * ' • • •

It suffices here to have revealed that the alleged utility of a privileged order to public service is only a chimera; that without it, all that is arduous in such service is performed by the third estate; that without it, the higher positions would be infinitely better filled; that they naturally ought to be the lot of and reward for talents and recognized services; and that if the privileged classes have succeeded in usurping all the lucrative and honorary positions, it is both an odious injustice to the majority of citizens and a treason to the commonwealth.

Who, then, would dare to say that the third estate has not within itself all that is necessary to constitute a complete nation? It is the strong and robust man whose one arm remains enchained. If the privileged order were abolished, the nation would be not something less but something more. Thus, what is the third estate? Everything; but an everything shackled and oppressed. What would it be without the privileged order? Everything; but an everything free and flourishing. Nothing can progress without it; everything would proceed infinitely better without the others. It is not sufficient to have demonstrated that the privileged classes, far from being useful to the nation, can only enfeeble and injure it; it is necessary, moreover, to prove that the nobility does not belong to the social organization at all; that, indeed, it may be a *burden* upon the nation, but that it would not know how to constitute a part thereof.⁹

...

What is a nation? a body of associates living under a *common* law and represented by the same *legislature*.

Is it not exceedingly clear that the noble order has privileges, exemptions, even rights separate from the rights of the majority of citizens? Thus it deviates from the common order, from the common law. Thus its civil rights already render it a people apart in a, great nation. It is indeed *imperium in imperio*.

Also, it enjoys its political rights separately. It has its own representatives, who are by no means

charged with representing the people. Its deputation sits apart; and when it is assembled in the same room with the deputies of ordinary citizens, it is equally true that its representation is essentially distinct and separate; it is foreign to the nation in principle, since its mandate does not emanate from the people, and in aim, since its purpose is to defend not the general but a special interest.

The third estate, then, comprises everything appertaining to the nation; and whatever is not the third estate may not be regarded as being of the nation. What is the third estate? Everything!

⁹ In a footnote, Sieyes says that he does not include the clergy because he considers it not an order, but a potentially useful profession in the public service.

CHAPTER II What Has the Third Estate Been Heretofore?

Nothing

We shall examine neither the state of servitude in which the people has suffered so long, nor that of constraint and humiliation in which it is still confined. Its civil status has changed; it must change still more; it is indeed impossible that the nation as a whole, or that even any order in particular, may become free if the third estate is not. Freedom is not the consequence of privileges, but of the rights appertaining to all.

. . . The third estate must be understood to mean the mass of the citizens belonging to the common order. Legalized privilege in any form deviates from

the common order, constitutes an exception to the common law, and, consequently, does not appertain to the third estate at all. We repeat, a common law and a common representation are what constitute *one* nation. It is only too true that one is *nothing* in France when one has only the protection of the common law; if one does not possess some privilege, one must resign oneself to enduring contempt, injury, and vexations of every sort. . . .

But here we have to consider the order of the third estate less in its civil status than in its relation with the constitution. Let us examine its position in the Estates General.

Who have been its so-called representatives? The ennobled or those privileged for a period of years. These false deputies have not even been always freely elected by the people. Sometimes in the Estates General, and almost always in the provincial Estates, the representation of the people has been regarded as a perquisite of certain posts or offices.

Add to this appalling truth that, in one manner or another, all branches of the executive power also have fallen to the caste which furnishes the Church, the Robe, and the Sword. A sort of spirit of brotherhood causes the nobles to prefer themselves ... to the rest of the nation. Usurpation is complete; in truth, they reign.

... it is a great error to believe that France is subject to a monarchical regime.

... It is the court, and not the monarch, that has reigned. It is the court that makes and unmakes, appoints and discharges ministers, creates and dispenses positions, etc. And what is the court if not the head of this immense aristocracy which overruns all parts of France; which through its members attains all and everywhere does whatever is essential in all parts of the commonwealth? . . .

Let us sum up: the third estate has not heretofore had real representatives in the Estates General. Thus its political rights are null.

CHAPTER III What Does the Third Estate Demand?

To Become Something

. . . The true petitions of this order may be appreciated only through the authentic claims directed to the government by the large municipalities of the kingdom. What is indicated therein? That the people wishes to be *something*, and, in truth, the very least that is possible. It wishes to have real representatives in the Estates General, that is to say, deputies *drawn from its order*, who are competent to be interpreters of its will and defenders of its interests. But what will it avail it to be present at the Estates General if the predominating interest there is contrary to its own! Its presence would only consecrate the oppression of which it would be the eternal victim. Thus, it is indeed certain that it cannot come to vote at the Estates General unless it is to have in that body *an influence at least equal to that of the privileged classes*; and it demands a number of representatives equal to that of the first two orders

together.¹⁰ Finally, this equality of representation would become completely illusory if every chamber voted separately. The third estate demands, then, that votes be taken *by head and not by order*. This is the essence of those claims so alarming to the privileged classes, because they believed that thereby the reform of abuses would become inevitable. The real intention of the third estate is to have an influence in the Estates General equal to that of the privileged classes. I repeat, can it ask less? And is it not clear that if its influence therein is less than equality, it cannot be expected to emerge from its political nullity and become *something*?

But what is indeed unfortunate is that the three articles constituting the demand of the third estate are insufficient to give it this equality of influence which it cannot, in reality, do without. In vain will it obtain an equal number of representatives drawn from its order; the influence of the privileged classes will establish itself and dominate even in the sanctuary of the third estate. . . .

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¹⁰ Sieyes has a footnote on the fact that this has been granted, but, in his opinion, it is meaningless.

Besides the influence of the aristocracy . . . there is the influence of property. This is natural. I do not proscribe it at all; but one must agree that it is still all to the advantage of the privileged classes . . .

• • . • • • • • ...

The more one considers this matter, the more obvious the insufficiency of the three demands of the third estate becomes. But finally, such as they are, they have been vigorously attacked. Let us examine the pretexts for this hostility.

[Sieyes then proceeds to this examination by analyzing the three demands under the headings: 1. That the representatives of the third estate be chosen only among the citizens who really belong to the third estate; 2. That its deputies be equal in number to those of the two privileged orders; 3. That the Estates General vote not by order, but by head. In discussing the third demand he makes the following comment.]

I have only one observation to make. Obviously there are abuses in France; these abuses are profitable to someone; they are scarcely advantageous to the third estate—indeed, they are injurious to it in particular. Now I ask if, in this state of affairs, it is possible to destroy any abuse so long as those who profit therefrom control the *veto*? All justice would be powerless; it would be necessary to rely entirely on the sheer generosity of the privileged classes. Would that be your idea of what constitutes the social order?

CHAPTER IV What the Government Has Attempted and What the Privileged Classes Propose in Favor of the Third Estate

[Sieyes devotes this chapter to a severe criticism of the work of the government and the privileged classes, under the headings: 1. Provincial Assemblies; 2. Notables; 3. Patriotic writers of the

first two orders; 4. Promise of equal support of taxes; 5. Average mean proposed by the mutual friends of the privileged classes and the Ministry; 6. Proposal to imitate the English Constitution; 7. That the spirit of imitation is not a proper guide. The last section includes the following comments on the English Constitution.]

Is the British Constitution inherently good? Even if it were good, would it be suitable for France?

I greatly fear that this much vaunted masterpiece could not sustain an impartial examination based on the principles of the true political order. We should recognize, perhaps, that it is the product of chance and circumstances rather than of enlightenment. .

Consider the national representation; how sorry it is in every respect, on the admission of the English themselves! Yet the characteristics of a good representation are the very essentials of a good legislature.

I do not deny that the English Constitution is an astonishing piece of work in view of the time at which it was established.¹¹ Nevertheless, although one may be quite ready to laugh at a Frenchman who does not prostrate himself before it, I shall dare to say that instead of seeing therein the simplicity of good order, I perceive only a prodigious structure of precautions against disorder. . . .

One would be wrong in deciding in favor of the British Constitution simply because it has lasted for a hundred years and bids fair to last for centuries. In

the matter of human institutions, what has not lasted a long time, however deplorable it may be? Does not despotism also last; does it not seem eternal throughout most of the world?

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CHAPTER V What Ought to Have Been Done—Basic Principles

[Quotation omitted]

In every free nation—and every nation ought to be free—there is only one way to terminate differences which arise over the constitution. Recourse must be had not to the notables, but to the nation itself. If we lack a constitution we must make one; the nation alone has that right. If we have a constitution, as some_ persist in maintaining, and if, according thereto, the national assembly is divided, as they claim, into three deputations of three orders of citizens, one cannot, at all events, avoid seeing that one of these orders possesses so strong a claim that further progress cannot be made without giving it consideration. But who has the right to settle such disputes?

[He goes on at some length to show that the right belongs to an assembly of special representatives of the nation.]

. . . *What ought to have been done* amidst the difficulty and disputes over the next Estates General? Should the notables have been summoned? No. Should the nation and public interests have been per-

¹¹ The idea of an established constitution in England was typical of the eighteenth century; see Barnes, Donald Grove, *George 111 and William Pitt, 1783—1806* (Stanford

University, 1939), ch. 1. mitted to languish? No. Should negotiations have been carried on with the interested parties in order to persuade each to yield something? No. Recourse should have been had to the great medium of a special representation. The nation ought to have been consulted.

Let us answer two remaining questions. Where shall we find the nation? Who has the right to question it?

1st, Where shall we find the nation? Where it is; in the 40,000 parishes which comprise all the territory, all the inhabitants, and all the tributaries of the commonwealth; there, without a doubt, is the nation. A territorial division should have been indicated to facilitate the means of resolving itself into *arrondissements* of from twenty to thirty parishes for the first deputies. According to a similar plan, the *arrondissements* would have formed provinces, and these would have sent real, special representatives to the capital, with special power to decide on the constitution of the Estates General.

Will you say that this would have involved too much delay? Not more, in truth, than this series of expedients which has resulted only in confusing the situation. Besides, it was not a question of negotiating with time, but of adopting the proper method of achieving the objective. A disposition to pay due regard to sound principles would have accomplished more for the nation in four months

than the course of enlightenment and public opinion . . . could do in half a century.

But, you will say, if the majority of citizens had named special representatives, what would have become of the distinction of the three orders? What would have become of privileges? They would have become what they deserve to be. . . .

As we see it, the privileged classes have good reasons for confounding ideas and principles in this matter. Today they will support with intrepidity the contrary of what they advocated six months ago. Then there was only one cry in France: we had no constitution at all and we were demanding the formation of one.

Today not only do we have a constitution, but, if one believes the privileged classes, it comprises two excellent and unassailable provisions.

The first [of these] is the division of citizens by order; the second is equality of influence for each and every order in the formation of the national will. Already we have sufficiently proved that even if all these things composed our constitution, the nation could always alter them. The nature of this *equality* of influence on the national will, which would be attributed to each order, remains to be examined more particularly. We shall see that no idea could be more absurd, and that no nation can show anything similar in its constitution.

If, then, the French constitution supposedly provides that 200,000 or 300,000 individuals out of 26,000,000 citizens constitute two-thirds of the

common will, what to reply if not to affirm that two and two make five?

Individual wills are the sole elements of the general will. The majority may not be deprived of the right to concur in it, nor may ten wills be decreed worth only one against ten others that are worth thirty. These are contradictions in terms, veritable absurdities.

It is useless to talk reason if, for a single instant, this first principle, that the general will is the opinion of the majority and not of the minority, is abandoned. By the same token, it may be decided that the will of one alone will be called the majority, and there is no longer need for either Estates General or national will, etc. ...¹² for if one will can equal ten, why should it not be worth one hundred, one million, twenty-six millions?

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2nd, Who has the right to question the nation? If we possessed a legislative constitution, each one of its component parts would enjoy that right . . . because the interpreters of a will are obliged to consult their constituents . . . But, for nearly two centuries we have been without representatives, supposing that we ever had any. Since we have none at all, who will replace them in the service of the nation? Who will warn the people of the need of sending special representatives? The answer to this question can embarrass only those who attach to the word *convocation* the nonsense of English ideas. It is not a question here of royal *prerogative*, but of the simple and natural sense of a *convocation*. This term includes *notice* to be given of national necessity, and

***designation* of a common meeting place. But, when the safety of the *Patrie* actuates all citizens, shall we lose time in inquiring who has the right to convoke? It would be better to ask who has not the right! It is the sacred *duty* of all who can do anything about it. All the more reason should it be the duty of the executive power, which is better prepared than ordinary individuals to apprise the generality of citizens, to indicate the place of assembly, and to**

¹² This “omission” appears in Champion’s edition. avert all obstacles that corporate interests might oppose thereto. Of a certainty, the Prince, in his rank of first citizen, is more interested than any other person in convoking the people . . .

Thus there is no difficulty at all over the question, “what ought to have been done?” The nation ought to have been convoked to dispatch to the capital some special representatives with special power to regulate the constitution of the customary national assembly. . . .

CHAPTER VI What Remains To Be Done. Development of Some Principles

The time is past when the three orders, thinking only of defending themselves from ministerial despotism, were ready to unite against the common enemy. . . .

The third estate awaits, to no purpose, the meeting of all classes, the restitution of its political rights, and the plenitude of its civil rights; the fear of seeing abuses reformed alarms the first two orders

far more than the desire for liberty inspires them. Between liberty and some odious privileges, they have chosen the latter. Their soul is identified with the favors of servitude. Today they dread this Estates General which but lately they invoked so ardently. All is well with them; they no longer complain, except of the spirit of innovation. They no longer lack anything; fear has given them a constitution.

The third estate must perceive in the trend of opinions and circumstances that it can hope for nothing except from its own enlightenment and courage. Reason and justice are in its favor; . . . there is no longer time to work for the conciliation of parties. What accord can be anticipated between the energy of the oppressed and the rage of the oppressors?

They have dared pronounce the word secession. They have menaced the King and the people. Well! Good God! How fortunate for the nation if this so desirable secession might be made permanently! How easy it would be to dispense with the privileged classes! How difficult to induce them to be citizens!

In vain would they close their eyes to the revolution which time and force of circumstances have effected; it is none the less real. Formerly the third estate was serf, the noble order everything. Today the third estate is everything, the nobility but a word. . . .

In such a state of affairs, what must the third estate do if it wishes to gain possession of its political rights in a manner beneficial to the nation? There

are two ways of attaining this objective. In following the first, the third estate must assemble apart: it will not meet with the nobility and the clergy at all; it will not remain with them, either by *order* or by *head*. I pray that they will keep in mind the enormous difference between the assembly of the third estate and that of the other two orders. The first represents 25,000,000 men, and deliberates concerning the interests of the nation. The two others, were they to unite, have the powers of only about 200,000 individuals, and think only of their privileges. The third estate alone, they say, cannot constitute the *Estates General*. Well! So much the better! It will form a *National Assembly*.

...

I say that the deputies of the clergy and nobility have nothing in common with the national representation, that no alliance is possible among the three orders in the Estates General, and that, unable to vote *in common*, they cannot do so either by *order* or by *head*. . . .

...

*

You exclaim that if the third estate assembles separately to form not the three estates, called *general*, but the national assembly, it will not be more competent to vote for the clergy and the nobility than these two orders are to deliberate for the people. First, I beg you to notice that, as has just been stated, the representatives of the third estate will have incontestably the proxy of the

25,000,000 or 26,000,000 individuals who constitute the nation, with the exception of about 200,000 nobles or priests. This is certainly sufficient to justify their assumption of the title of National Assembly. They will deliberate, then, without any difficulty, for the entire nation, with the exception of only 200,000 persons.

Under such circumstances, the clergy could continue to hold its assemblies for the *don gratuit*, and the nobility could adopt any method whatsoever for offering its subsidy to the King; and, in order that the particular arrangements of these two orders might never become onerous to the third estate, the latter could begin by declaring formally that it does not intend to pay any tax that is not sustained by the other two orders. It would vote supply only on this condition, and even though the tribute had been settled, it would not be levied on the people if it were evident that the clergy and nobility might exempt themselves from it under any pretext whatsoever.

In spite of appearances, this arrangement would be perhaps as good as any for gradually restoring social unity within the nation. . . .

It is an established fact that the deputies of the clergy and nobility are not representatives of the nation at all; accordingly, they are incompetent to vote for it.

If they are permitted to deliberate on matters of general interest, what will be the outcome?

1st, If the votes are taken by *order*, it will follow that 25,000,000 citizens may decide nothing for the general interest because it will not please 100,000 or 200,000 privileged individuals; that is to say that the wills of more than one hundred persons will be interdicted and annihilated by the will of one alone.

2nd, If the votes are taken by *head*, even with equality of influence between the privileged and the nonprivileged, it will always follow that the wills of 200,000 persons may balance those of 25,000,000, since they will have an equal number of representatives. Now is it not outrageous so to constitute an assembly that it may vote for the interest of the minority? Is that not an assembly *inside out*?

In the preceding chapter we have demonstrated the necessity of recognizing the *general* will only in the opinion of the majority. The maxim is incontestable. It follows therefrom that in France the representatives of the third estate are the true depositaries of the national will. They may speak then, without error, in the name of the entire nation. . . . Every deputy of the third estate, according to the established number, votes on behalf of approximately 50,000 men. . . .

... Let us add that the third estate, in separating itself from the first two orders, cannot be accused of secession; that expression, as well as the meaning it implies, must be left to those who first used it. In fact, the majority does not separate itself at all; that would be a contradiction in terms, for it would involve withdrawing from itself.

It is only the minority that may not wish to submit to the will of the majority, and consequently desires to secede.

I have proclaimed two ways for the third estate to obtain its rightful place in the political order. If the first, which I have just presented, seems a little too abrupt, if it is decided that the public must be given time to accustom itself to liberty, if it is believed that national rights, however obvious, still need a sort of legal judgment to establish them, so to speak, and consecrate them by a final sanction when they are disputed even by the smallest number, I am willing to have it so; let us appeal to the tribunal of the nation, the only competent judge in all differences concerning the constitution. Such is the second way open to the third estate.

• • • • • • • • • • + • • • •

It cannot be denied that in the next Estates General the chamber of the third estate will assuredly be most competent to convoke the kingdom in extraordinary representation. The right to apprise the generality of citizens of the false constitution of France appertains to it above all. It will boldly complain that the Estates General is a poorly organized body, incapable of performing its national duties; and, at the same time, it will demonstrate the necessity of giving to a special deputation special power to regulate the constitutive forms of its legislature through certain laws. Until then, the order of the third estate will suspend not its preparatory efforts, but the exercise of its power; it will enact nothing definitively; it will wait until the nation has judged the great controversy dividing the

three orders. Such, I admit, is the most frank, the most generous course, and consequently the most suitable to the dignity of the third estate.

Accordingly, the third estate may consider itself from two points of view: in the first, it regards itself only as *an order*; it does not wish, then, to discard entirely the prejudices of former barbarity; it recognizes two other orders in the State, without, however, attributing to them any influence other than that which may be reconciled with circumstances, and it has every possible regard for them in consenting to doubt its rights, pending the decision of the supreme judge. From the second point of view, it is the *nation*. In such capacity its representatives constitute the entire national assembly; they have all the powers thereof. Since they are the *only* depositaries of the general will, they have no need to consult their constituents concerning a dissension which does not exist. . . .

I would here terminate my memoir on the third estate if I had undertaken only to proffer courses of action. . . .¹³ But I have also intended to develop principles. May I, then, be permitted to follow the interests of the third estate into the public discussion that is about to arise concerning the real *composition* of a national assembly. It is not of public interests or power that I am going to speak, but of the laws that are to determine the personal composition of the body of deputies.

It is necessary first to understand clearly the object or purpose of the representative assembly of a nation; it cannot differ from that which the nation itself would propose if it could assemble and

confer in the same place. What is the will of a nation? It is the product of individual wills, just as the nation is the assemblage of individuals. It is impossible to comprehend a legitimate association which does not have as its aim common security, common liberty, finally, the common weal. Moreover, every individual doubtless has particular aims in view. He says to himself, "In the shelter of common security I may devote myself peacefully to my personal affairs; I shall pursue my happiness as I understand it, assured of encountering no legal limitations other than those which society will prescribe for the common interest in which I have a part, and with which my particular interest has made so useful a union."

But is it conceivable that there can be members of the general assembly foolish enough to say, "You are gathered here not to deliberate concerning our common interests, but to attend to mine in particular, and to those of a little group which I have formed with some of your members!" To say that associates assemble to regulate matters that concern them in *common* is to explain the only motive that could have induced the members to enter the association . . .

It is certain, then, that only nonprivileged members are capable of being electors and deputies to the national assembly. The wishes of the third estate will always be good for the majority of citizens, those of the privileged classes would always be bad . . . The third estate, therefore, is sufficient for whatever one may expect from a national assembly; it alone, then, is capable of procuring all the

advantages that may reasonably be expected from the Estates General.

Perhaps it may be thought that, as a last resort, the privileged classes may consider themselves as a nation apart, and may demand a

¹³ This “omission” appears in Champion’s edition. separate and independent representation. . . .⁴¹ have already replied to that claim ... by proving that the privileged orders were not at all, and could not be, a people apart. . . .

Meanwhile, it is impossible to say what place two privileged bodies are to occupy in the social order. It is equivalent to asking what place is to be assigned, in the body of a sick man, to a malignant affliction that saps and torments it. It must be *neutralized*; the health and functioning of all the organs must be so well restored that it may no longer produce those morbid combinations which are capable of vitiating the most inherent principles of vitality.

III. THE CAHIERS

1

Subsequently the opening of the Estates General was deferred to the first week in May, the time originally designated in 1788.

2

See document 3, *infra*.

3

See art. 29, *infra*-, see also Law of 28 March, 1789, on Paris elections [A. P., v 1 pp. 656 ff.; B. and R., v. 1, pp. 299-311; Brette, *op. cit. supra*, v. 1, pp. 110-114]. '

[4](#)

This “omission” appears in Champion’s edition.

The elections to the Estates General were accompanied (according to custom and the regulations governing the convocation) by the drafting of lists of the grievances that were considered most pressing, locally and nationally. Many of these *cahiers de doléances* (or *cahiers* as they are commonly called) passed through several stages of development as did many of the elections; but whatever the manner of their construction, the final draft (or general *cahier*) was taken to Versailles by the elected deputy as a complaint against existing abuses and as a mandate from his electorate.

The *cahiers* present a fairly satisfactory, though largely negative, view of France in 1789. They should be considered in the light of the forces affecting their composition (e.g., the “model” *cahiers* which were circulated in some districts), the points on which the three orders were in substantial agreement, the special demands of the separate estates, and the fact that, although the contents of the documents can scarcely be termed “revolutionary,” they provided a potential program of reforms.

Limitations of space preclude the possibility of presenting here a representative selection of conservative, moderate, and radical *cahiers*. The final choice has been restricted to the general *cahiers* of the *bailliage* of Dourdan in the *generality* of Orleans, almost in the center of France (5, 6, 7). On the whole, these may be regarded as “typical” *cahiers*.^{[1](#)}

5. *Cahier* of the Clergy of Dourdan

27 March, 1789

SOURCE: **A. P., v. 3, pp. 243-246.**

Although not as reactionary in tone as many of the *cahiers* of the clergy, this document indicates adequately the conservative point of view which characterized the first estate of France. Chapter III stands as interesting evidence of the conflict between the higher and lower clerics.

*** * ***

When the King summons his subjects about him to consult them concerning the needs of the State, the ministers of religion are among the most eager to give him proof of their respectful gratitude. Their dual *role* as citizens and ecclesiastics entitles them to bring to the foot of the throne the most comprehensive wishes for the welfare of the monarchy and the maintenance of a religion that assures its tranquillity. Accordingly, His Majesty shall be humbly supplicated:

CHAPTER I Religion

1. To preserve in its integrity the precious depository of the Catholic, Apostolic, and Roman religion, the most stable support of the fundamental laws of the State, to effect the enforcement of ordinances concerning the respect which is due churches, sanctification of feast days and Sundays, and, in general, whatever affects public worship.

2. To give consideration to the representations made by the last assembly of the clergy concerning the edict on non-Catholics,² and not to permit any religion other than the Catholic to hold worship or give public instruction.

3. To permit the Church of France to hold provincial or national councils with a view to re-establishing and maintaining ecclesiastical discipline in all its vigor, so that convocation of the said councils may be effected, without great delay, upon the request and according to the needs of every metropolitan see.

4. To maintain the execution of all laws and ordinances recognized in the kingdom as constituting the public, ecclesiastical, and canonical law thereof, and which the kings, his august predecessors, have stamped with the seal of their authority.

5. Imbued with profound grief at the sight of the appalling deterioration of religion and the depravation of morals in the kingdom, we direct to His Majesty the most ardent and humble representations concerning the disastrous and widely acknowledged cause of this deplorable subversion of all principles. It obviously derives from the disgraceful excess of writings in which the spirit of libertinage, incredulity, and independence prevails, in which faith, modesty, reason, the throne, and the altar are attacked with equal audacity—impious and corrupting books circulated on all sides with the most revolting profusion and licence, to which the strongest resistance could not be too promptly opposed.

6. Since diversity of religious opinions in the schools for French youth is the greatest danger in the world, His Majesty shall be humbly supplicated also to order all necessary precautions lest there be admitted into any of the universities and academic societies of the kingdom any teacher or member who has not previously given proofs of the greatest ability and of his respectful devotion to the Catholic religion.

7. Since national education is degenerating daily, the King will be willing to take into consideration a matter so pertinent to morals and to the glory of the kingdom, and in his wisdom to provide resources for the talents of indigence by the endowment of the provincial *colleges*, almost all of which are insufficiently endowed, because a good education is the only means of assuring the State of good citizens, and religion of virtuous ministers.

8. Since the education of the rural population is valuable to the State, it is highly desirable that in every parish schoolteachers be established, whose stipends, added to the payments of those pupils who can afford to pay, would provide an income sufficient for them and their families; which teachers would be under the guidance and inspection of the *cure*, who would ascertain their religion and talents in advance, and would have the right to dismiss them if they did not fulfill expectations, reserving their right of appeal to the lord bishop.

9. We dare to solicit from the goodness and piety of the King a special protection for religious orders of either sex throughout the kingdom, under the happy auspices of his favor and authority; we hope

that such holy institutions, useful to religion, to the good of the State, to needy families, and above all to the support of the poor in the rural districts, will flourish and vivify increasingly.

10. In provincial cities, and especially in this *bailliage*, there are numerous communities devoted to the education of indigent young girls for religion and for work; we supplicate His Majesty to regard such useful establishments with benevolence, and to facilitate access thereto in the bureaux established for the relief of religious houses.

CHAPTER II Constitution

1. Since monarchical government is the steadfast constitution of the nation, the most conducive to its internal tranquillity and external security, the most suitable for the extent of its provinces, and the most consistent with the character of its people, who always have distinguished themselves by their love for and devotion to their sovereigns, we will never countenance anything that would tend to alter this form of government. We are inviolably attached to it by the most sacred duties of obedience, by ties of oath and fidelity, by love and respect for our masters, and by the happiness of being subject thereto.

2. We desire that in matters brought under deliberation in the Estates General relative to all orders, voting be by head; but in those concerning more especially one of the three orders, we request that voting be by order.

5. The King shall be most humbly supplicated to take into consideration the inequality of *bailliages*, which necessarily gives rise to inequality of representation. His Majesty shall be supplicated to search, in his wisdom, for remedies, such as a new division of the kingdom. Such division could be made without distinction of provinces, *pays d'états*, or *generalites*. It would be in combined proportion to extent and population, in order to procure every possible equality in representation.

4. Since the bishops are separate in the ecclesiastical hierarchy from the pastors of the second order, the clergy of the *bailliage* of Dourdan beseeches His Majesty to grant the episcopal body a representation distinct from that of other ecclesiastics. The bishops could be convoked by ecclesiastical provinces, and could elect one representative to the National Assembly from every province.

5. Since it is the duty of the assembly of the Estates General increasingly to affirm the authority of the monarch, and to establish it on the happiness and love of his people, His Majesty shall be most humbly requested to grant the nation the periodic return of such an important benefit.

CHAPTER III Ecclesiastical Administration

1. The King shall be most humbly supplicated to have granted to the *cures* a representation more proportionate to their number in the diocesan chamber, the superior ecclesiastical chambers, and the general assemblies of the clergy. They must have at least one-half of the representatives

therein, since they themselves are by far the most numerous part of the clergy under the jurisdiction of those tribunals.

2. We humbly supplicate His Majesty to order that the office of clergy and letters of vicar-general be not always given to young people, recently graduated, to the exclusion of former pastors whom study and experience have rendered worthy of such positions.

3. His Majesty shall be most urgently requested to suppress the odious right known in some dioceses by the name of *spolium*, also to suppress the right of *deport* established in several; reserving the right to grant archdeacons a less onerous indemnification if such revenue be deemed necessary to their position.

4. We earnestly supplicate His Majesty to grant the clergy the preservation of its old forms of taxation and payment. They are advantageous to the useful and industrious portion of the clergy who do not and should not pay as much proportionately as ordinary incumbents.

5. That the diocesan ecclesiastical chamber responsible for tax assessment and collection be composed of the lord bishop, a canon, a regular, one *cure* of the episcopal city, and four from the country; that the members of said chamber, except the lord bishop, change alternately every year; that an account be published annually of the taxation of every benefice of the diocese, as well as of the receipts and expenditures of that administration.

6. That the King and the nation be most urgently supplicated to ameliorate the lot of the useful ministers of religion, whose work and assistance are so valuable in the cities and rural districts; that the fixed revenue of city livings be from 2,000 to 2,400 *livres*, that of rural livings, 1,800 *livres* and 1,500 *livres* according to the necessity of local circumstances; that the stipends of vicars be established at between 800 and 1,000 *livres*.

7. That, in order always to be proportionate to the high price of commodities, such ameliorations be made in good wheat, at the rate of one *muid*, Paris measure, for 220 *livres*. That such increases take place only after a just estimate of the property which the livings now possess, and that those enjoying greater revenues be preserved and respected in their integrity.

8. That, in order to facilitate said operation, the merger of some benefices be urged at the diocesan chamber; that reduction of the formalities at present necessary to effect such mergers be requested, and that the diocesan chamber responsible for administering said property print a detailed and public account thereof annually.

9. That the benefices, the merger of which is requested at the diocesan chamber, possess a revenue sufficient to furnish the increase of the livings and a fund set aside for the relief of ecclesiastics who are forced by age or infirmity to retire from the ministry; and that the pension given to these latter be at least 1,000 *livres*.

10. That all property in *mainmorte*, alienated contrary to the provisions of edicts, ordinances, and decrees of the sovereign courts, be restored, without expense, to the parties concerned.

11. That henceforth no ecclesiastic be permitted to obtain a benefice yielding more than 600 *livres* unless he is pledged to holy orders; and that the rules of discipline forbidding plurality of benefices and requiring residence be revived.

CHAPTER IV Civil Administration

1. Disposed to second the wishes of the nation, we are inclined zealously to share with all citizens the burden of taxation which we agree to pay as they do, reserving our estates, titles, and honorary rights.

2. The nation shall be supplicated most humbly to assume the present debt of the clergy and, since it was contracted for the service of the State, to consolidate it as a national debt.

3. The King having restored to the nation its former right' to vote its own subsidies, a right which the clergy alone had preserved, the general assembly, at its very first meeting, shall decree the continuation of existing taxes until the end of its session, and shall rule definitively on that important matter before its adjournment.

4. His Majesty will be willing to make, in all branches of expenditure, whatever retrenchments his sense of economy and the needs of his people dictate. One part of the taxation should be designated for necessary expenditures, the

remainder applied to the payment of interest and liquidation of the national debt.

5. Since every public loan implies a tax, because it must have security, and since the tax must be voted by the nation, every loan would be irregular if not authorized by the national assembly.

6. We request that the provincial assemblies or estates, if they are established, be charged with assessing, equalizing, and collecting the . taxes; that such taxes be used, as far as possible, to discharge the obligations of the State in the province where they are collected; that, without distinction, all agents employed in the collection, receipt, custody, and payment thereof be entirely subordinate to the several assemblies.

7. That all brevets of pension be revised, in order to moderate those that are exorbitant and to suppress those not founded on real services rendered to the State.

8. That the Estates General publish an exact and detailed account of the debts which the nation is to assume; that they establish the tax quota to be set aside for the liquidation of same; and that they determine the happy time when the nation, finally liberated, will see its taxes decrease.

9. We further supplicate His Majesty that he be willing to adjust the royal courts in order to avoid frequent appeals, and likewise the different courts through which it is necessary to pass to be judged in the last resort; also, that he reduce the formalities which cause so much delay in justice.

10. That venality of offices of magistracy be suppressed, and that all those which are only burdensome to the people and by no means useful, such as those of *huissiers-priseurs*, renewed or recreated in most of the provinces, be suppressed; and that permission be given, as formerly, to choose any *huissier* one wishes.

11. That the municipal assemblies be responsible for the internal police of the parishes; that all disputes be judged first by them and without cost, reserving appeal, if one be necessary, to the superior courts.

12. That no seigneur may enclose a communication road without the consent of the parish to which said road is of some use; and that, in general, the establishment of any such road be not permitted unless its usefulness be well demonstrated beforehand.

13. That nobility no longer be acquired by purchase, but that it be the reward for real and important services rendered the *Patrie*.

14. That, in order to encourage population, the King be willing to grant compensation to families with more than ten children.

15. That since the merger of several farms into one is as contrary to the profit of agriculture as to the interests of the rural inhabitants, a matter so pertinent to the public welfare be taken into consideration by the Estates General.

16. That wheat storehouses sufficient for three years supply be established in every province, and

that one-third of the supply be sold and renewed annually.

17. That the erection of *remises* in the midst of arable lands be forbidden, and also that the removal of all those which are harmfully located be ordered; and that woods and *remises* be fifty *toises* distant from the road, according to law.

18. That the abuses which have gradually developed in the practice of gamekeepers and forest wardens, who ought not to be permitted to carry firearms or to have offenders convicted on their testimony alone, be reformed.

19. That every cultivator be permitted to defend his property against the intrusion of game, pigeons, etc.; that in estimating the damages and the compensation to be obtained, the testimony of the municipality be accepted, and that the decree of regulation rendered thereon be regarded as void.

20. That selection of the militia by lot be suppressed, as even more burdensome to the people than the tax of the *taille*.

21. That all beggars be most expressly forbidden to leave their parishes; that the provincial assemblies consult with the municipalities to provide for their sustenance, either by work or by alms.

22. That since salt is one of the commodities of prime necessity for the most needy class, and of the greatest benefit to cattle, the Estates General be requested to fix the price thereof at the best possible rate.

23. That the King be most humbly supplicated to have breaches of confidence reformed, such as the intermittent violation of the privacy of letters, the arbitrary tax on letters in the post, etc.

24. That the King be supplicated to reform also the abuses and tyranny of *lettres de cachet*.

25. That the ordinances on duels and suicide be renewed and put into effect; also, that all persons not qualified to sell medicines be forbidden to participate in the sale thereof.

26. That deputies be not liable for what they have said or written concerning public affairs, either during or after the assembly; that the assembly itself punish those whom it believes guilty, to the extent of excluding them from its midst if such action be deemed advisable.

27. That if any member of the two orders of the clergy or nobility be elected to represent the third estate, he may not vote in the assembly of the Estates General until he has formally renounced the privileges of his order.

28. That if privileges place the orders at variance and threaten the assembly with disunion, every order should sacrifice its own in a spirit of concord and through zeal for the public welfare.

29. That laws directed against fraudulent bankrupts be put into effect, and that every protection be forbidden them.

6. *Cahier* of the Nobles of Dourdan

29 March, 1789

SOURCE: A. P., v. 3, pp. 246-250.

This *cahier* represents a more enlightened attitude than is usually found in the requests made by the nobility. It is interesting to note that just as the clergy of Dourdan had criticisms to make of the nobles, so, in turn, the nobles saw faults in their privileged ecclesiastical contemporaries. The inclusion of a section dealing with commerce is suggestive of new interests on the part of the Second Estate. The last section of the document indicates that the “nobles of the sword” were not yet willing to give full recognition to “the nobles of the robe.”

Constitution

The citizens comprising the order of the nobility of the *bailliage* of Dourdan consider that, as soon as the Estates General is convened and the assembly constituted, an address should be voted to the King •to thank him for the magnanimous act of justice he has just accorded the nation in restoring its rights, and to pledge to him, in the name of all Frenchmen, unlimited gratitude and love, inviolable submission and fidelity to his sacred person, his legitimate authority, and his august royal house. They would doubtless wish to use this liberty first in paying him new homage of their blood and fortune; but they wish more, they wish to contribute with all their power to the personal happiness of His Majesty, as well as to the general welfare of • his people, by working in concert with him to bolster the tottering edifice of the French Constitution, by

rendering his faithful commons happier through a just distribution of the taxes necessary to the State, by freeing him of the troubles and anxieties which extensive and absolute legislation necessarily entails; finally, by leaving to him only favors to grant and benefits to dispense throughout the free nation that he governs; thus the subjects of all orders, encompassing the Monarch with their liberty, their happiness, and their unlimited devotion, will render him, if possible, still more beloved throughout his realm, and assuredly more respected abroad.

Accordingly, the noble citizens of the of the *bailliage* of Dourdan request:

That the legislative power reside collectively in the hands of the King and the united nation.

That a formula for the drafting and publication of laws be established, and that it express both the right of the nation and that of the King, in these words, or similar ones: "The free and general Estates of France declare that the general will is-- Accordingly, the said Estates most respectfully supplicate His Majesty to sanction the said articles by royal approbation-WE,

KING OF FRANCE, upon the request of the Estates General, assembled at__, have published and do publish__, have ordered and do order__ Thus we inform all those whom it may concern that they are to take in hand and put into effect all articles above stated, according to their form and tenor; for such

IS THE OUTCOME OF THE NATIONAL WILL, WHICH HAS RECEIVED THE SEAL OF OUR ROYAL AUTHORITY."

Since the constitutional laws assure each and every one of his liberty, fortune, position, and property, the nobility requests:

That every arbitrary order prejudicial to the liberty of citizens be abolished entirely;

That individual liberty be assured and guaranteed, so that every citizen arrested may be placed in the prisons of the courts which are to take cognizance of his offence within twenty-four hours of the time of his arrest; that, immediately upon his detention, he be permitted to choose a counsel or advocate.

Liberty shall be understood to include the right to come, go, live, and reside wheresoever one pleases, inside or outside the kingdom, without need of permission; referring to the Estates General the determination of cases in which it is necessary to restrict such liberty with regard to leaving the kingdom.

That liberty of the press be granted, upon condition that author and printer are responsible; and the Estates General shall determine the most severe restrictions in order to prevent such liberty from degenerating into licence.

The nobility of the *bailliage* of Dourdan requests, likewise, that, according to the formal wish of His Majesty, no tax be established and no loan be made without the concurrence of the legislative power.

That the administrator of finances be not permitted to make any anticipation or assignment other than on the annual income, under penalty for *lese-patrie*, the lenders to forfeit all claim.

That any individual convicted of having collected any sum whatsoever in excess of that established by law be declared guilty of embezzlement and sentenced accordingly.

That no citizen be deprived of his rank, employment, or position, except according to a legal judgment.

That all property, whoever be the owner, be inviolable and sacred, property being whatever one owns on public faith and on the affirmation of the law; that no one be deprived thereof except for public interest, and that he then be compensated therefor without delay, and at the highest possible price.

Finally, that ministers henceforth be responsible and accountable to the Estates General.

But if it is magnanimous of the French Monarch to share the legislative power with free subjects, it is at the same time just and necessary that he be invested with all executive power, and that his person be ever sacred.

He must have command of the troops on land and sea, assign military positions, appoint generals and ministers, make peace or war, negotiate treaties of alliance or commerce with foreign powers, convoke, prorogue, and dissolve the Estates General, under the express condition, in case of dissolution, of effecting a new convocation immediately in the form and number approved by the assembled nation.

Finally, the King alone must preserve that right, so kind, so consoling, so worthy of a great monarch, that right to dispense benefits, to encourage virtue

by dignities and marks of distinction, and, above all, the right to grant pardon.

The order of nobility desires further that the distinction of three . orders in the Estates General be strengthened and regarded as inherent in the Constitution of the French monarchy, and that opinions be given therein only by order.

That in the event, however, that vote by order be absolutely rejected by the Estates General, and the deputy of the *bailliage* of Dourdan see that further resistance to vote by head is useless, he then request that vote by head be takeh in the separate chamber of every order and not in the assembly of the three orders united.

That vote by head never take place on matters of particular interest to one of the three orders alone.

That the opposition of one order alone may not delay projects of the other two and result in *veto*, except by at least two-thirds of the votes.

That the Estates General be periodic; that it determine the time of its recurrence and the form of its convocation and composition, that it approve taxation only until its next assembly; and that if it be not convoked by the King at the established time, all taxes immediately cease to be valid throughout the entire extent of the kingdom.

That the Estates General may not concern itself with any deliberation until, in conjunction with the King, it has passed an act enunciating the Constitution and the rights above mentioned, and constituting, henceforth, the fundamental law of the kingdom.

That, in the event of a new reign or a regency, the Estates General be convoked within two months by the King, or, in his name, by a warrant of the Great Seal drawn up by the Chancellor of France.

That there be no intermediate commission during the interval between Estates General.

That the powers of deputies be limited to a term of two years, dating from the . opening of the next Estates General, and that the persons of the deputies be inviolable during the session of the Estates.

That since the custom of giving proxies to deputies of the *bailliages* is most disadvantageous, the Estates be requested to suppress them, or to place thereon whatever restrictions they deem advisable.

That provincial administrations, the form and power of which shall be determined by the Estates General, be established in all provinces of the kingdom.

Finally, that, in order to render these laws of Frenchmen more impressive, a uniform and invariable formula be drafted for the oath which kings must take at their coronation; by which oath they shall swear, in the presence of the Estates General, to observe the declaratory act, a duplicate of which shall be deposited in the treasury of the Church of Saint-Remi at Rheims, and shall be presented to them with as much pomp as the Holy Ampulla. By such oath the monarch shall be formally bound to protect the Christian, Catholic, Apostolic and Roman religion, and likewise to use all his power and every means to maintain it in all its

purity. Lastly, by said oath the constitution is to be fully guaranteed.

Administration

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The requests of the nobility concerning this important matter are as follows:

Commitment of the general administration of provinces to provincial administrations, and consequently suppression of the intend-ants.

Restoration to the cities of free election of municipal officials.

The suppression of municipalities in country parishes, and the meeting of the said parishes at the district seat, every parish preserving the right to send thereto two representatives, who, conjointly with the *cure* and the seigneur, in person or by proxy, shall betake themselves to the assembly on the day indicated.

The establishment of parish public granaries under the direction of the provincial administrations, to which administrations a report shall be made annually on the quantity of grain contained in the public granaries and the amount of surplus, in order that, on the basis of the account they are required to render to the government, the latter may prescribe the use thereof.

That out of funds previously deducted from the totality of benefices, an increase in revenue be

provided for *cures*, vicars, and other ecclesiastics for whom there is inadequate provision.

That charity bureaux be established in all parishes for the relief of the aged and infirm of both sexes, women in childbirth, and needy infants and children.

That public charity workshops, under the supervision of the provincial administrations, likewise be established in all provinces; that the rate of workers' daily wages therein be fixed at one-fifth below ordinary daily wages; that it be decreed annually by the provincial administration, following the harvest and in proportion to the value of commodities of prime necessity.

That workers in the said workshops be employed in the construction of main roads and communication roads, the maintenance thereof, and all similar works, under the supervision and guidance of the bridge and highway engineers.

That said engineers render account to the provincial administrations, not only of their operations and management, but also of the employment and conduct of the said workers attached to the public workshops.

That the profits of lotteries be applied to the support of the workshops and charity bureaux.¹⁷

That the aforementioned charity workshops established in the provinces replace the *corvees*, and that, accordingly, the be suppressed.

¹⁷ Public lotteries were frequently used to augment State revenues.

Agriculture

The nobility of the *bailliage* of Dourdan, firmly convinced of the necessity of protecting agriculture, requests:

That steps be taken to eliminate, as far as possible, the remaining vestiges of the feudal regime, respecting at all times the sacred right of property.

That the *champart* in kind, of all seigneurial rights the most unfavorable to the progress of agriculture and the liberty of the cultivator, be redeemed or exchanged without injuring property and without affecting royal and seigneurial rights. For example, that if one-twelfth be collected, redemption therefrom be permitted by private contract with the consent of the sovereign seigneur, either by abandoning one-third of the property to release the other two-thirds, or by paying in cash the value of said same third according to an estimate based on the statement of appraisers.

That the tithes, injurious to both the progress of agriculture and the consideration due the *cures*, who are often forced into disputes over their interests with persons to whom they must preach disinterestedness, be exchanged according to a private contract between the tithe owner and the entire community encumbered with the tithe.

That taxpayers of one and the same community be free collectively, but not individually, to redeem themselves from personal *corvees* and *banalites*, at forty per cent of the real or nominal revenue, based on the statement of appraisers.

That all farmers who have a great area of land under one management, to the detriment of agriculture and the small cultivators, bear the greater part of the personal tax, of which the said less fortunate cultivators shall be relieved.

That the right of *franc-fief* be abolished, because it hampers trade in lands and may humiliate citizens who are not of noble birth.

That the provincial administrations consider it one of their prime duties to concern themselves with ways and means of seeking out that very poor nobility which leaves the army only in order to work its lands, that they may aid it in a manner worthy thereof and of the sacrifice it is making in spite of the needs of its pecuniary privileges, by inducing the government to have a fixed sum decreed annually for such purpose.

Morals

That no citizen occupy civil or military positions before the age of twenty, because his life up to that time ought to be devoted to education.

That religion always be the basis of scholastic and moral education.

That in the cities there be public schools, presided over by citizens of distinguished personal attainments and of recognized enlightenment. That only the following subjects be taught therein: 1st, the principles of natural law, which illumine the rights and duties of man; 2nd, the principles of civil law, which illumine the rights and duties of the

citizen; 3rd, the principles of public law, which illumine the rights and duties of the nation.

That only those fifteen years or over be admitted to the schools.

That since scholastic education is to prepare for moral education, the headmasters of the scholastic schools be required to render account of their conduct and their pupils to the headmasters of the schools of morality, and to receive their certificates in that essential subject.

That in rural parishes there be vicars or officiating ministers of religion to aid the *cures* in the work of their ministry, to increase the opportunities for attending divine worship, and to supervise and conduct free schools for youth on behalf of the needy; and that this be made possible through pensions for the benefices.

That, in order that no citizen be lost to the *Patrie*, religious orders be divided into two classes, one devoted to the education of youth, the other to visiting the sick to administer spiritual and temporal aid.

That parents or natural guardians have absolute authority over their children until the age of twenty; that in the event that parents or guardians need the aid of the law against their children or wards, in order to avoid abuse of authority, a guardian *ad hoc* be named, who, in conjunction with the said parents or natural guardians, shall appeal to the courts of justice, where hearings shall always be held *in camera* to receive complaints brought in such cases.

Commerce

That, since all exclusive privileges whatsoever granted to individuals or companies are prejudicial to general liberty, they never be renewed, and new ones never be granted.

That essentially useful manufactures be encouraged and increased in preference to those for luxury purposes only; and that the primary ones be relieved of part of their tax, which should be transferred to those of secondary utility.

That the excessive number of *douanes* and barriers which impede the internal commerce of the kingdom be withdrawn to the frontiers.

That the excessive urban population, which results in the pernicious depopulation of rural districts, continue to be restricted by the collection of entrance fees at the gates of large cities.

Justice

That venality of offices be generally abolished, and that the Estates General consider the wisest means of reimbursing officeholders, at the same time undertaking to fill the vacant offices by election.

That the excessive extent of the jurisdictions of some sovereign courts likewise be restricted; that the number of offices therein be diminished; that new courts be created wherever necessary; that a disposition favorable to the people be made of all these respective jurisdictions; likewise, that the delimitation of each one of such jurisdictions be decreed; and that no person ever undergo more than

three degrees of jurisdiction, including that of the seigneurial courts.

That such subordinate courts, distributed throughout the rural districts and constituting part of the property of the seigneurs, be conducted in the interests of public welfare; that their composition be rendered more respectable and their subordination more correct. They appertain to the citizens of all orders and may be able more closely to allow for the defects of society.

That the sovereign courts be composed of members chosen, without distinction, from all orders. The most important consideration is that the magistrates be honest and well informed.

That the superior courts responsible for maintaining the depository of the laws may not subject said laws to any examination, or deviate from any of their provisions.

That, under penalty of loss of status, no attorney undertake the defence of a cause without previously obtaining the authorization of one of the consulting advocates designated for such purpose by the several courts.

That all commissions, changes of venue, together with letters of *surseance* and the right of *committimus*, be suppressed; and that those who have signed or executed arbitrary orders, even though warranted by orders supposedly obtained from His Majesty, be prosecuted by the courts and condemned to suitable redress.

That criminal proceedings be public; that they take the form of an inquiry through the concurrence of the ordinary judges of the accused and twelve of his peers under oath, so that these latter pronounce solely and exclusively upon the fact, and the courts of justice pronounce solely upon the law and apply the penalty, textually enunciated by law, on the offence textually defined by said same law.

That the accused have the aid of counsel at all times, and that all supporting evidence be admitted throughout the entire proceeding.

That the deed or deeds with which the accused is charged be explicitly enumerated and defined in the complaint which constitutes the basis of the suit; that they be expressed in the sentence of condemnation, and that no other be included therein.

That the peers under oath pronounce, with hand on the Gospel, these words: *guilty* or *not guilty*; that they then retire, and the courts of justice pronounce acquittal or penalty.

That unanimity of the peers under oath be necessary to effect a conviction which is to subject an accused to the death penalty.

That like offences be punished with like penalties, whatever the rank or status of the offender.

That the death penalty be applied much less frequently; that it be effected in one manner only, and that the least painful; and that all those uselessly barbarous punishments, repugnant to the manners of a gentle nation, and offensive to both

religion and humanity because they consign the condemned person's last moments to excessive suffering, be outlawed forever.

That any judge who, after a decree of condemnation has been pronounced, dares extend the penalty arbitrarily and subject the accused to a kind of punishment and disgrace to which the decree has not condemned him, be declared guilty of *lese-humanite*, degraded, deprived of his position, and thenceforth disqualified.

That the Estates General alone recognize the crime of forfeiture of courts [*forfaiture des cours*], and that appeal may be had before it against the injustice of said same courts.

That all courts of exception, other than those above designated, be disestablished; considering, meanwhile, the best means of compensating the incumbents.

Police

That *capitaineries*, an obvious violation of property, be generally suppressed; but that homage be paid the King to the extent of the hunting preserve necessary for his enjoyment, and that proprietors who suffer therefrom be compensated.

That ordinary hunting rights likewise be maintained as property; but that an estimate be made, according to the statement of appraisers, of the damage caused by the excessive amount of game, and that compensation be strictly exacted.

That the damage resulting from the excessive number of pigeons be reduced by reviving the regulations with regard thereto.

That poorhouses, always costly, useless, and ruinous, be abolished and replaced by public works, which may offer resources to the destitute and at the same time be of public usefulness; and that vagabonds and vagrants be employed in works regulated by the provincial administrations, to which such wise measures are to be entrusted.

That the Estates General which, on several occasions, has considered uniformity of weights and measures for the entire kingdom, but always in vain, undertake the settlement of said matter which is so important for the facility and activity of commerce.

That the regulations made for the maintenance of religion and morals be re-established in all their vigor; that some of them be revised in order to effect, if possible, their most desirable restoration.

That the magistrates responsible for the inspection of prisons be required to make frequent visits thereto, to supervise the wholesomeness of the air, the cleanliness and the health of the prisoners, and to suggest, and even provide them with, books of morality.

Finances

The nobles regard as decidedly advantageous and even necessary that the first declaration of the Estates General be that, since the nation has the right to consent to taxes, and since all existing

taxes are of illegal origin and extension, the Estates General declares them all suppressed by law; that, nevertheless, because of the time required to reorganize this branch of national affairs, and also to avoid possible ill effects on future taxation from an absolute discontinuation of all relations between the taxpayers and the public treasury, the Estates General, desiring that there be no taxes other than those established by the present assembly before its first adjournment, enact provisionally that the present taxes, temporarily authorized, continue to be paid, but only during the present session.

That the provincial assemblies may never contract any loan or grant any subsidies, however small, even though they concern only one village, because the Estates General is obligated to reserve exclusively the right to consent to every kind of taxation

That the Estates General, after its address of thanks to the King and after its declaration on taxation, announce by a proclamation, published immediately, that as soon as it has established the Constitution, it will recognize the royal debt, which thenceforth shall become the national debt; reserving to itself the verification of the extent thereof and the provision for interest payments, as well as for successive reimbursement of the principal; accordingly, that the recognition of said debt immediately follow the passing of the constitutional act.

That the sums assigned by the nation and deemed necessary to every department [of the Government] be established invariably by the Estates General.

That the provincial administrations, elected by the provinces and approved by the Estates General, be charged with supervising the assessment and collection of the taxes determined; that the levy thereof be made at the least possible expense; and if, in order to simplify such collection, today most burdensome, it is necessary to make substantial reforms in the department of finance, to observe then that, since the position and existence of many individuals is dependent upon the public faith, it is only just to let such abuses die out rather than to undertake their suppression too precipitately.

The nobility thinks it also a wise and most important precaution to ordain that the title of every tax mandate, tariff of fees preserved or established, state at the beginning: *“In the name of the King, taxes*

and fees approved by the Estates General up to_,

17_”. It believes also that it is decidedly expedient that all French men keep constantly in mind the fundamental truth that taxes may be established only with the consent of the nation.

That if the *corvee* cannot be abolished and replaced by charity workshops, it must continue to be commuted into a money payment and supported by all citizens, without distinction.

That the *gabelle* and the *aides*, the most vexatious of all taxes, ought to be converted into other kinds of taxes.

That the approval of subsidies must be the last undertaking of the

Estates General.

It most respectfully further supplicates His Majesty to have published a printed list of the gifts, gratuities, pensions, offices, and positions granted during each half year, the names of the recipients, and the motives occasioning their conferment, and likewise an annual account of the receipts and expenditures of every department [of the

Government].

Finally, the nobility declares that, in order to evince its sentiments of esteem, natural equity, and affection for its fellow citizens of the third estate, it wishes to share with them, in proportion to the property and possessions of all orders, whatever imposts and taxes are approved by the nation; claiming to reserve only the sacred rights of property, the prerogatives of rank, honor, and dignity which must appertain to it according to the constitutional principles of the French monarchy.

Clergy

His Majesty is further supplicated to order that all bishops and beneficiaries reside in their benefices.

That plurality of benefices and charges be proscribed.

That prebends and benefices be set apart for the retirement of *cures* who have performed their ministry worthily for twenty years.

That administration of the sacraments be gratuitous, and that the endowment of *cures*, greater in the cities than in the country districts, be established for these latter at from 1,500 to 1,800 *livres*, and the salary of vicars at from 700 to 1,000 *livres*.

Concerning the question presented by a member of the nobility, and on which he has most zealously insisted, to wit: Whether, assuming that religious matters may be brought to and discussed in the Estates General, it is a court competent to give a decision, and whether the authority of the Estates extends to the spiritual or is confined to the temporal;

The chamber has declared that it believes the Estates General competent concerning discipline but not concerning dogma, and, on the urgent demand of the member of the nobility proposing the question, it has been decreed that it be included in the *cahier*.

Nobility

The nobility of the *bailliage* of Dourdan declares that it recognizes only one order of nobility enjoying the same rights.

It requests that nobility no longer be the concomitant of offices which are purely venal and without functions.

That nobility be the reward for distinguished services only.

That neither commerce nor any civil position henceforth be discreditable, provided that such

position be not servile.

7. *Cahier* of the Third Estate of Dourdan

29 March, 1789

SOURCE: A. P., v. 3, pp. 250-254.

The demands made in this *cahier* should be compared with Sieyes' attitude concerning the Third Estate as indicated in document 4.

The order of the third estate of the City, *Bailliage*, and County of Dourdan, imbued with gratitude prompted by the paternal kindness of the King, who deigns to restore its former rights and its former constitution, forgets at this moment its misfortunes and impotence, to harken only to its foremost sentiment and its foremost duty, that of sacrificing everything to the glory of the *Patrie* and the service of His Majesty. It supplicates him to accept the grievances, complaints, and remonstrances which it is permitted to bring to the foot of the throne, and to see therein only the expression of its zeal and the homage of its obedience.

It wishes:

1. That his subjects of the third estate, equal by such status to all other citizens, present themselves before the common father without other distinction which might degrade them.

2. That all the orders, already united by duty and a common desire to contribute equally to the needs of the State, also deliberate in common concerning its needs.

3. That no citizen lose his liberty except according to law; that, consequently, no one be arrested by virtue of special orders, or, if imperative circumstances necessitate such orders, that the prisoner be handed over to the regular courts of justice within forty-eight hours at the latest.

4. That no letters or writings intercepted in the post be the cause of the detention of any citizen, or be produced in court against him, except in case of conspiracy or undertaking against the State.

5. That the property of all citizens be inviolable, and that no one be required to make sacrifice thereof for the public welfare, except upon assurance of indemnification based upon the statement of freely selected appraisers.

6. That, since the maintenance of the commonwealth necessitates an effective revenue, all taxes established since 1614, the year of the last meeting of the Estates General, be confirmed provisionally by His

Majesty on the request of the Estates General, and the collection thereof ordered during a limited period of time, not to exceed one year, despite the fact that, owing to lack of consent of the nation, such taxes may be regarded as illegal.

7. That the customary and ordinary charges of the State be regulated; that the expenditure of every department [of the Government], the appointment of all who are employed therein, and the retirement pensions of same be established invariably.

8. That the taxes on land and on all real or nominal property, the domains of the Crown, and other branches of revenue deriving from establishments useful to the public, such as postal and messenger service, etc., be preferably assigned to the aforementioned primarily necessary charges.

9. That the national debt be verified; that the payment of arrears of said debt be assured by such indirect taxes as may not be injurious to the husbandry, industry, commerce, liberty, or tranquillity of the citizens.

10. That an annual reimbursement fund be established to liquidate the capital of the debt.

11. That as one part of the debt is liquidated, a corresponding part of the indirect tax also be liquidated.

12. That every tax, direct or indirect, be granted only for a limited time, and that every collection beyond such term be regarded as speculation, and punished as such.

13. That no loan be contracted, under any pretext or any security whatsoever, without the consent of the Estates General.

14. That every anticipation and every issuance of treasurer's notes or others on the account of the State, without public sanction, be regarded as a violation of public faith, and that the administrators ordering or authorizing them be punished.

15. That every personal tax be abolished; that thus the *capitation* and the *taille* and its accessories be merged with the *vingtiemes* in a tax on land and real or nominal property.

16. That such tax be borne equally, without distinction, by all classes of citizens and by all kinds of property, even feudal and contingent rights.

17. That the tax substituted for the *corvee* be borne by all classes of citizens equally and without distinction. That said tax, at present beyond the capacity of those who pay it and the needs to which it is destined, be reduced by at least one-half.

18. That provincial Estates, subordinate to the Estates General, be established and charged with the assessment and levying of subsidies, with their deposit in the national treasury, with the administration of all public works, and with the examination of all projects conducive to the prosperity of lands situated within the limits of their jurisdiction.

19. That such Estates be composed of freely elected deputies of the three orders from the cities, boroughs, and parishes subject to their administration, and in the proportion established for the next session of the Estates General.

20. That district bureaux under said Estates be established in the chief towns of the *bailliages*; and that such jurisdictions be created for said bureaux that there may be prompt and convenient correspondence between the chief town and all points accountable thereto.

21. That in case of the death or retirement of deputies of the order of the third estate in the Estates General, or of any one among them, during the course of the next session, the present electors be authorized to reassemble to elect others in their place.

Justice

1. That the administration of justice be reformed, either by restoring strict execution of ordinances, or by rerorming the sections thereof that are contrary to the dispatch and welfare of justice.

2. That every royal *bailliage* have such jurisdiction that persons be not more than three or four leagues distant from their judges, and that these pass judgment in the last resort up to the value of 300 *livres*.

3. That seigneurial courts of justice created by purely gratuitous right be suppressed.

4. That seigneurial courts of justice separated from the jurisdiction of royal *bailliages* ... be returned thereto.

5. That seigneurial courts of justice, the creation of which has not been gratuitous, or usurpation of which is not proved, be suppressed with reimbursement.

6. That the rights of . . . *garde-gardienne*, *committimus*, and the right of *suite* in favor of certain officials be suppressed . . .

7. That venality of offices be suppressed by successive reimbursement in proportion to their disestablishment; that, accordingly, a fund be constituted forthwith to effect such reimbursement.

8. That the excessive number of offices in the necessary courts be reduced in just measure, and that no one be given an office of magistracy if he is not at least twenty-five years of age, and until after a substantial public examination has verified his morality, integrity, and ability.

9. That all exceptional jurisdictions, *elections*, *maitrises*, salt stores, and financial bureaux be suppressed as useless and productive of lawsuits and jurisdictional conflicts; that their competence be returned to the jurisdiction within which they are situated, and the officials composing them either incorporated into such *bcilliciges* or reimbursed out of their finances.

10. That the study of law be reformed; that it be directed in a manner analogous to our legislation, and that candidates for degrees be subjected to rigorous tests which may not be evaded; that no dispensation of age or time be granted.

11. That a body of general customary law be drafted of all articles common to all the customs of the several provinces and and that the customs of said several provinces and there after contain only articles which are in exception to the general custom.

12. That deliberations of courts and companies of magistracy which tend to prevent entry of the third

estate thereto be rescinded and annulled as injurious to the citizens of that order, in contempt of the authority of the King, whose choice they limit, and contrary to the welfare of justice, the administration of which would become the patrimony of those of noble birth instead of being entrusted to merit, enlightenment, and virtue.

13. That military ordinances which restrict entrance to the service to those possessing nobility be reformed.

That naval ordinances establishing a degrading distinction between officers born into the order of nobility and those born into that of the third estate be revoked, as thoroughly injurious to an order of citizens and destructive of the competition so necessary to the glory and prosperity of the State.

Finances

1. That if the Estates General considers it necessary to preserve the fees of *aides*, such fees be made uniform throughout the entire kingdom and reduced to a single denomination; that, accordingly, all ordinances and declarations in force be revoked . . . ; that the odious tax of *trop-bu* especially, a source of constant annoyance in rural districts, be abolished forever.

2. That the tax of the *gabelle* be eliminated if possible, or that it be regulated among the several provinces of the kingdom

3. That the taxes on hides, which have totally destroyed that branch of commerce and caused it to go abroad, be suppressed forever.

4. That the offices of *juris priseurs*, onerous to the public whose confidence they thwart and often betray, and likewise all useless offices, either in police or in the administration of justice, be abolished and suppressed.

5. That the offices of *huissiers* be assigned to a particular court and jurisdiction, and that those invested therewith perform their duties only within such limits.

6. That even these offices be abolished and suppressed successively and replaced by revocable commissions.

7. That the fee for registration of documents be established universally and uniformly, and that, accordingly, all exemptions, subscriptions, and alienations in favor of individual officials or provinces be revoked.

8. That an explicit and exact tariff establish the quota of such fee in an invariable manner; that in said tariff the contract of marriage be treated with the favor it merits; ... that whatever agreements said act include, it never be subject to more than one fee ... ; that notes and receipts ... be taxed as moderately as possible . . . ; finally, that every act not included in the categories established by the tariff be placed in the most analogous category and the one most favorable to the taxpayer; that such classification ... be determined by the royal judges . . . ; that the draft of said tariff be published one year before its execution, in order that the provincial Estates and all orders of citizens may express their opinions thereon . . .

9. That the fees of *franc-fief*, established without motives since fiefs are no longer subject to military service, be suppressed entirely, or that, if the needs of the State necessitate their further preservation, the collection thereof be made only every twenty years, whatever change take place during such interval; that said fee not exceed one year's actual revenue, and that it not be burdened with any additional tax.

10. That all fees known as reserved fees ... be abolished and suppressed as ruinous to the people and as a source of calumny against magistrates.

A griculture

1. That exchange fees, disastrous to husbandry, ... be suppressed.

2. That the letters patent of 26 August, 1786, establishing the fees of land commissioners at triple and quadruple their former compensation be revoked; that such fees be reduced to just limits, and that the *terrier* be renewed only after forty years and by new letters patent.

3. That the privilege of hunting be restricted within its just limits; that the decrees of the *parlement* of the years 1778 and 1779,¹⁸ which tend rather to obstruct the claims of the cultivator than to effect his indemnification, be rescinded and annulled; that after having declared the excessive amount of game and summoned the seigneur to provide therefor, the landowner and the cultivator be authorized to destroy said game on their own lands and in their own woods—without permission, however, to use

firearms, the carrying of which is forbidden by ordinances; that, moreover, a simple and easy method be established whereby every cultivator may have the damage verified and obtain compensation therefor.

4. That the right to hunt may never affect the property of the citizen; that, accordingly, he may at all times travel over his lands, have injurious herbs uprooted, and cut *luzernes, sainfoins*, and other produce whenever it suits him; and that stubble may be freely raked immediately after the harvest.

5. That, in conformity with former ordinances, gamekeepers be forbidden to carry arms, even in the retinue of their masters.

6. That hunting offences be punished only by pecuniary fines.

7. That His Majesty be supplicated to have enclosed the parks and forests which are reserved for his enjoyment; also to authorize elsewhere the destruction of wild beasts which ruin the rural districts, and particularly that bordering on this forest of Dourdan.

8. That every individual who, without title or valid occupancy, has dovecotes or aviaries, be required to destroy them; that those who have title or valid occupancy be required to confine their pigeons at seedtime and harvest.

9. That all leases on tithes, lands, and revenues belonging to ecclesiastics and persons in *mainmorte* be made before royal judges ; and that, accordingly,

leases thus made remain valid even after the death of the titular incumbents, and that said leases be made for not fewer than nine years.

10. That no cultivator be permitted . . . several farms or farmings, if the total thereof necessitates the use of more than two ploughs.

11. That the rights of *champart* and others of similar nature be converted into payment, either in grain or in money, according to a high and favorable estimate, for landowners designated by the King on the request of the Estates General; and that transportation outside the parish of straw from *champarts* and tithes be forbidden henceforth.

That individuals as well as communities be permitted to free themselves from the rights of *banalite* and *corvee*, by payments in money or in kind, at a rate likewise established by His Majesty on the basis of the deliberations of the Estates General.

12. That the corporal domains of the crown be rented³ in grain in perpetuity ...

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15. That the militia, which devastates the country, takes workers away from husbandry, produces premature and ill-matched marriages, and imposes secret and arbitrary taxes upon those who are subject thereto, be suppressed and replaced by voluntary enlistment at the expense of the provinces.

16. That individuals and communities be permitted to free themselves from the *rentes* which they owe to persons in *mainmorte*, by paying the principal at a rate to be established, upon condition that the persons in *mainmorte* invest such principal in loans authorized and guaranteed by the King and the nation.

17. That the ordinance and regulation concerning woods and forests be reformed so as to preserve property rights, encourage plantings, and prevent deforestation.⁴

That the administration of forests and woods belonging to persons in *mainmorte* be subject to the provincial Estates and subordinate to the district bureaux, and that new laws be established to assure the preservation thereof and to punish offences pertaining thereto.

20. That the width of highways and connecting and rural roads be established uniformly and unalterably.

21. That penalties be imposed upon whomsoever cultivate connecting and rural roads.

Commerce

1. That every regulation which tends to impede the business of citizens be revoked.

2. That the exportation and circulation of grain be directed by the provincial Estates, which shall correspond among themselves in order to prevent sudden and artificial increases in the price of provisions.

3. That when wheat reaches the price of twenty-five *livres* per *septier* in the markets, all day laborers be forbidden to buy any, unless it be for their sustenance.

4. That if circumstances necessitate the revenue from certificates and letters of mastership in the arts and crafts, no member be admitted into corporations except upon condition of residing in the place of his establishment; that widows may carry on the profession of their husbands without new letters; that their children be admitted thereto at a moderate price; that all persons without an established and recognized domicile be forbidden to peddle.

5. That fraudulent bankruptcy be considered a public crime; that the public prosecutor be enjoined to prosecute it as such, and that privileged positions no longer serve as a refuge for bankrupts.

6. That all toll rights and other similar ones be suppressed throughout the interior of the kingdom, that customhouses be moved back to the frontiers, and that rights of *traite* be entirely abolished.

7. That, within a given time, weights and measures be rendered uniform throughout the entire kingdom.

Morals

1. That in the chief town of every *bailliage* a public school be established, where young citizens may be brought up in the principles of religion and provided with the necessary education by methods authorized by His Majesty on the request of the nation.

2. That in cities and villages schools be established where the poor will be admitted without cost, and instructed in whatever is necessary for them concerning either morals or their individual interests.

3. That livings and benefices for the care of souls henceforth be granted only by competitive examination.

4. That prelates and *cures* be subject to perpetual residence, under penalty of loss of the fruits of their benefices.

5. That, under the same penalty, beneficiaries without a charge be bound to residence during most of the year in the chief town of their benefice, if they have an annual income of 1,000 *livres* or more.

6. That no ecclesiastic hold more than one benefice if such benefice is worth 3,000 *livres* revenue or over; that those in excess of such revenue be declared vacant.

7. That every lottery, the effect of which is to corrupt public morals, every loan involving the element of chance, the effect of which is to encourage speculation and divert funds destined for agriculture and commerce, be proscribed forever.

8. That every community be required to provide for the maintenance of its invalid poor; that, accordingly, all private alms be strictly forbidden; that in every district a charity workshop be established, the funds for which shall be composed of voluntary contributions of individuals and sums which the provincial Estates shall designate therefor,

in order to assure constant work for the able-bodied poor.

9. That within the limits of every principal administration a house

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of correction be established for the confinement of beggars and vagabonds.

10. That all charlatans, and those who have not completed the necessary studies and passed the required examinations, be forbidden to sell drugs or medicines or to practise medicine or surgery, and that the granting of any certificate, permission, or exemption for such purpose be forbidden.

11. That no woman may practise the art of midwifery until she has taken a course in it, has obtained a certificate of competence from a college of surgery, and has been received into the *bailliage*.

12. That the *marechaussees* be enjoined to obey the orders of the officials of the *bailliages* for the maintenance of public order; and that the municipalities of the several parishes be authorized to have internal police power therein, except in special cases which are to be reported to the public prosecutor of the *bailliage*.

13. That the sacraments be administered gratuitously, and contingent fees suppressed.

IV. THE MEETING OF THE ESTATES GENERAL;

FORMATION OF A NATIONAL CONSTITUENT

ASSEMBLY

By the end of April, 1789, most of the *cahiers* had been drafted, most of the elections completed, and most of the 1200-odd deputies were on their way to Versailles, or were already there.⁵

The meeting of the Estates General afforded an excellent opportunity for both Necker and the King to assume leadership of the nation.

Unfortunately, neither man was equal to the occasion. Moreover, both of them tolerated (or appeared to tolerate) conditions which antagonized and humiliated the Third Estate. Many of the commoners resented their prescribed costumes which contrasted drably with the colorful ones of the privileged orders; and frequent delays and the recognition of the traditional precedence of nobles and clergy during the preliminary ceremonies served as constant reminders of the “inferior” status of the Third Estate.

Discomfort and annoyance might have been overlooked, however, if the opening plenary session of the Estates General, in the great Salle des Menus Plaisirs on 5 May, had brought encouragement from the King and his ministers. Unhappily, the events of the day brought no such inspiration. Louis’ opening remarks were, at best, nondescript. Barentin, Keeper of the Seals, followed with a lengthy address, the predominating note in which (to the few who could hear it) was a warning against innovation. Lastly came Necker, who presented a garbled account of the financial situation, in a dull and verbose speech which consumed all of three hours. The entire

proceeding was such as to leave the commoners with the feeling that nothing was being done or was apt to be done.

The tedious session finally at an end, the Master of Ceremonies announced that the three estates would meet separately on the morrow to verify their powers (or credentials). To the Third Estate such action appeared as a *coup* to rob them of joint sessions and vote by head. Accordingly, they resorted to the only defence available at the moment—passive resistance.

For more than five weeks after the opening session of the Estates General the three estates remained deadlocked. The Third Estate refused to follow the example of the Clergy and the Nobles, who had proceeded to carry out the royal instructions. If the commoners conceded separate sessions for any purpose whatsoever, all opportunity for united sessions (without which the Third Estate could achieve nothing) might be jeopardized. Neither negotiations nor royal commands resulted in any change. Finally, however, early in June, the first signs of a break in the impasse appeared. With the arrival of the belated Paris deputation, the Third Estate named Bailly as its President and Camus as its Secretary; and a week later, following an abortive attempt by the Clergy to force action, the commoners, on the motion of Sieyes, sent a final summons to the privileged classes to join them. On 12 June, again on the initiative of Sieyes, and in defiance of the King, the Third Estate began verification of credentials—not as members of their own order, however, but as *representatives of the nation!*

Soon several parish priests joined the Third Estate, and on 17 June this group of commoners and lower clergy took a momentous step, the first major act of the Revolution. Supporting a proposal by Sieyès, it declared itself the *National Assembly*! (8)

On 19 June the Clergy voted in favor of joining the commoners, thereby endorsing the declaration of 17 June. To forestall further actions of this type, the King, influenced by the Court and the ministers, planned a Royal Session at which he would settle all controversial matters definitively. Meanwhile, the sessions of the Third Estate (as he still called them) were to be suspended so that the Great Hall could be prepared for the occasion. Notice of this decision was late in reaching Bailly, and when the National Assembly met on the morning of 20 June, it found its hall closed and surrounded by soldiers. After some moments of indecision, the assembled deputies betook themselves to a nearby covered tennis court. There, cheered on by sympathetic spectators in the galleries, they fortified their declaration of 17 June by taking an oath not to disband until France had been provided with a constitution (9).

The last meeting of the new National Assembly prior to the Royal Session took place on 22 June at the Church of St. Louis—the Tennis Court having been “engaged” by one of the King’s brothers. On that day some 150 ecclesiastics and a few nobles appeared and sat with the Assembly. When the meeting adjourned, it was understood that the deputies would reconvene on the morrow, immediately following the Royal Session.

1

This selection of *cahiers* was made on the recommendation of Professor Beatrice F. Hyslop of Hunter College.

2

Representations refers to the vigorous protests of the Catholic clergy on the occasion of the granting, by the second Assembly of Notables, of the famous Edict of Toleration of 1787. For the edict itself see Jourdan, *Recueil general des anciennes lois frangaises*, v. 28, pp. 472-482.

3

That seigneurs who are inspectors of highways may not plant or appropriate trees planted on property bordering the highways; that, on the contrary, such trees be designated as the property of the owners of the estates, who shall be reimbursed for the cost of the planting.

4

¹⁹ The text in A. P. gives this as “ascenses”; it should read “accenses.”

²⁰ This refers to the old Forest Code.

5

For the names of the deputies see Brette, Armand, ed., *Les constituants. Liste des deutes et des suppliants ilus d, YAssembUe constituante de 1789* (Paris, 1897). Outstanding were Talleyrand,

**Gregoire, Lafayette, Lally-Tollendal, La
Rochefoucauld, Duport, Camus, Mounier, Barnave,
Alexander and Charles Lameth, Bailly,
Volney, Robespierre, Sieyes, and, dominating all,
Count Mirabeau. It has been well said that the
Estates General comprised the ablest men of France.**

8. Declaration on the National Assembly

17 June, 1789

SOURCE: Duvergier, v. 1, p. 23. See also: A. P., v. 8, p. 127; B. and R., v. 1,

pp. 469-470; Helie, pp. 19-20; Legg, v. 1, pp. 19-20.

The title “National Assembly” was not new; it had been used heretofore to indicate the assembly of the three orders together in the Estates General.²² The use of the title in this instance, however, was illegal; and since it went unpunished, it encouraged the commoners to make further rebellious gestures. Furthermore, it asserted the revolutionary doctrine of popular sovereignty, a doctrine invoked thereafter to justify the actions of the Third Estate.

Lest the creditors of the State be alarmed by the action of the Third Estate, the new National Assembly issued a statement—its first formal act—providing

²² Cf. document 4, *supra*, ch. 5 and 6. for the temporary collection of existing taxes and the ultimate extinction of all imposts not granted by the Assembly, and promising a speedy examination and consolidation of the public debt.

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The Assembly, deliberating after the verification of powers, recognizes that this assembly is already composed of deputies sent directly by at least ninety-six per cent of the nation.

Such a deputation could not remain inactive because of the absence of the deputies of some *bailliages*, or of some classes of citizens; for the absentees who have been summoned cannot prevent those present from exercising their full rights, especially when the exercise of such rights is an imperative and urgent duty.

Furthermore, since only verified representatives may concur in the formation of the national will, and since all verified representatives must be in this assembly, it is further necessary to conclude that it, and it alone, may interpret and present the general will of the nation; no *veto*, no negative power may exist between the throne and this assembly.

Accordingly, the Assembly declares that the common work of national restoration can and must be begun immediately by the deputies present, and that they must pursue it without interruption or hindrance.

The name of NATIONAL ASSEMBLY is the only one which suits the assembly under the present circumstances, whether because the members who compose it are the only representatives lawfully and publicly recognized and verified, or because they are sent directly by almost the entire nation, or, finally, because, the representation being one and indivisible, none of the deputies, from whatever order or class he be chosen, has the right to perform his duties apart from the present assembly.

The Assembly will never lose hope of uniting within its midst all the deputies who are absent today; it will not cease to summon them to fulfill the

obligation imposed upon them to co-operate in the session of the Estates General. At whatever moment the absent deputies present themselves during the course of the session which is about to open, it declares in advance that it will hasten to receive them, and, after verification of their powers, to share with them the continuation of the noble efforts which are to effect the regeneration of France.

The National-Assembly orders that the motives for the present deliberation be drawn up immediately, to be presented to the King and to the nation.

9. The Tennis Court Oath

20 June, 1789

SOURCE: Facsimile in Brette, Armand, ed., *Le serment du jeu de paume: facsimile*

***du texte et des signatures* (Paris, 1893). [Published by the Societe de PHistoire de la Revolution frangaise.] See also: Duvergier, v. 1, p. 24; A. P., v. 8, p. 138;**

B. and R., v. 2, p. 3; C. and G., pp. 2-3; Helie, p. 22; Legg, v. 1, pp. 21-22. REFERENCE: Fling, *Source Problems*, pp. 1-63.

This is one of the most important documents of the Revolution. It ratified a *fait accompli* and bound the deputies to united action in the work of providing France with a constitution. The oath was taken individually and orally by all but one of the members present. The single dissenter was denied the enjoyment of the liberty which the deputies were so ardently pursuing, and it was only with difficulty

that the president was able to save him from bodily harm.

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The National Assembly, considering that it has been summoned to establish the constitution of the kingdom, to effect the regeneration of public order, and to maintain the true principles of monarchy; that nothing can prevent it from continuing its deliberations in whatever place it may be forced to establish itself; and, finally, that wheresoever its members are assembled, *there* is the National Assembly;

Decrees that all members of this Assembly shall immediately take a solemn oath not to separate, and to reassemble wherever circumstances require, until the constitution of the kingdom is established and consolidated upon firm foundations; and that, the said oath taken, all members and each one of them individually shall ratify this steadfast resolution by signature.

V. THE ROYAL SESSION AND THE UNION OF THE ESTATES

When the commoners assembled on the morning of 23 June, they found the Great Hall surrounded by soldiers, and spectators denied entrance. On this occasion the King was the only speaker, but his remarks (10-13), instead of effecting obedience or reconciliation, merely antagonized the commoners still further.

His speeches completed, the King withdrew, followed by the nobles and most of the clergy. The Master of

Ceremonies requested the remaining deputies to do likewise. As already indicated, however, they had made plans to assemble at this time and place, and a defiant roar from Mirabeau affirmed their intention. The Master of Ceremonies hastily made his exit in some confusion, and, lest their action render them liable to unfortunate consequences, the deputies issued a decree declaring themselves inviolable. Such action was patently illegal, but Louis was not equal to providing retribution. When informed of the insubordination, he weakly acquiesced in the situation, thereby prompting another of Sieyes' memorable remarks concerning the third estate—"You are today what you were yesterday."

In the days immediately following 23 June, the majority of the clergy and many of the nobles joined their fellow deputies, and, finally, on 27 June, Louis ordered the remainder to do likewise. For the most part the deputies accepted the royal decision, and the Assembly settled down to its work of "establishing the constitution of the kingdom" and effecting "the regeneration of public order."

10. The King's Opening Speech

23 June, 1789

SOURCE: Duvergier, v. 1, p. 24. See also: A. P., v. 8, p. 143; Legg, v. 1, p. 24. REFERENCE: For this and other documents pertaining to 23 June, 1789, see Fling, *Source Problems*, pp. 65-159.

This speech, with which Louis opened the Royal Session, is noteworthy for the manner in which the

events of 17 and 20 June were disregarded.

A perfect understanding ought to have resulted from love of the *Patrie* alone, but a disastrous disunion engenders anxiety in the minds of all. I want to believe and I like to think that Frenchmen have not changed. But, in order to avoid reproaching any of you, I appreciate that the renewal of the Estates General after so long a time, the agitation preceding it, the purpose of this convocation, so different from that which rallied your ancestors, the restriction in powers, and several other circumstances have necessarily occasioned oppositions, debates, and exaggerated claims.

I owe it to the general welfare of my kingdom and to myself to terminate these calamitous divisions. It is for that purpose, Gentlemen, that I reassemble you about me; it is as the common father of all my subjects, as the defender of the laws of my kingdom, that I come to recount to you the true spirit thereof, and to repress the attacks which have been made upon them.

But, Gentlemen, after having clearly established the respective rights of the several orders, I expect from the zeal of the first two orders for the *Patrie*, I expect from their devotion to my person, I expect from their knowledge of the pressing ills of the State, that in matters concerning the general welfare they will be the first to propose a union of opinions and sentiments, which I regard as necessary in the present crisis, and which is to effect the salvation of the State.

11. The King's Declaration concerning the Estates General

23 June, 1789

SOURCE: Duvergier, v. 1, pp. 24-25. See also: A. P., v. 8, pp. 143-144;

B. and R., v. 2, pp. 13-15; Legg, v. 1, pp. 25-27.

Following his introductory remarks, Louis proceeded with this reactionary declaration, to which was added a brief transitional discourse.

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1. The King desires that the former distinction of the three orders of the State be preserved in its entirety as essentially inherent in the constitution of his kingdom; that the deputies, freely elected by each one of the three orders, forming three chambers, deliberating by order, and being able, with the approval of the Sovereign, to agree to deliberate in common, alone be considered as constituting the body of the representatives of the nation. Accordingly, the King has declared void the resolutions made by the deputies of the order of the third estate on the 17th of this month, and all subsequent ones, as illegal and unconstitutional.

2. His Majesty declares valid all powers, verified or to be verified in every chamber, upon which no objection has been or may be raised, His Majesty orders that communication respective thereto take place among the orders.

As for powers contested in each order and on which the interested parties might appeal, they shall be enacted, for the present session of the Estates General only, as hereinafter prescribed.

3. The King rescinds and annuls, as unconstitutional, contrary to the letters of convocation, and opposed to the interest of the State, restrictions of power, which, by restraining the liberty of deputies to the Estates General, might hinder them from adopting the forms of deliberation taken separately, by order or in common, by separate vote of the three orders.

4. If, contrary to the intention of the King, some deputies have taken the rash oath not to deviate from some particular form of deliberation, His Majesty leaves it to their conscience to consider whether the arrangements that he is about to order deviate from the letter or from the spirit of the obligation they have assumed.

5. The King permits deputies who believe themselves restrained by their mandates to request their constituents for new authority; but His Majesty enjoins them to remain, meanwhile, in the Estates General, in order to be present at all deliberations on urgent affairs of State, and to give a consultative opinion thereon.

6. His Majesty declares that in subsequent sessions of the Estates General he will not permit *cahiers* or mandates ever to be considered imperative; they must be only simple instructions, entrusted to the conscience and free opinion of the deputies chosen.

7. His Majesty, having exhorted the three orders to reassemble for the safety of the State, during this session of Estates only, in order to deliberate in common upon matters of general welfare, wishes to make known his intentions concerning the manner of procedure.

8. Matters concerning the ancient and constitutional rights of the three orders, the constitutional form to be given the next Estates General, feudal and seigneurial property, and the useful rights and honorary prerogatives of the first two orders, shall be particularly excepted from those which may be treated in common.

9. The special consent of the clergy shall be necessary for all provisions which are of interest to religion, ecclesiastical discipline, and the administration of secular and regular orders and bodies.

10. Decisions by the united three orders concerning the contested powers, and on which the interested parties petition the Estates General, shall be determined by majority vote; but if two-thirds of the votes in one of the three orders protest the decision of the assembly, the matter shall be referred to the King in order to be enacted definitively by His Majesty.

11. If, with a view to facilitating the union of the three orders, they desire that decisions in common be determined only by a two-thirds majority, His Majesty is disposed to authorize such a procedure.

12. If one hundred members of the assembly request it, matters decided in the assemblies of the three orders united shall be reconsidered on the following day.

13. The King desires that, under such circumstances, in order to effect conciliation, the three chambers separately begin the appointment of a commission composed of as many deputies as they deem suitable, to arrange the form and disposition of the conference bureaux which are to deal with the divers matters.

14. The general assembly of deputies of the three orders shall be presided over by presidents chosen by each one of the orders, according to their customary rank.

15. Good order, decency, and the very liberty of suffrage require that His Majesty prohibit, as he expressly does, that any person, other than the members of the three orders composing the Estates General, be present at their deliberations, whether they hold them in common or separately.

[Louis then added the following brief discourse before proceeding to his program of action.]

Discourse

I wish also, Gentlemen, to draw your attention to the divers benefits I am granting my people. I do not wish to limit your zeal to the sphere that I am about to indicate, for I shall adopt with pleasure whatever other suggestions regarding public welfare may be proposed by the Estates General. I can say, without self-deception, that never has a king done so

much for any one nation; but what other nation has been more deserving because of its sentiments than the French nation! I am not afraid to say it: those who, by exaggerated pretensions or irrelevant objections, would still retard the effect of my paternal intentions, would render themselves unworthy of being regarded as Frenchmen.

12. The King's Declaration of Intentions

23 June, 1789

SOURCE: Duvergier, v. 1, pp. 26-27. See also: A. P., v. 8, pp. 144-145, B. and R., v. 2, pp. 16-20; Legg, v. 1, pp. 27-32.

Perhaps to modify the severity of his statement on the Estates General, perhaps only to suggest what he intended to do, Louis presented this declaration. It indicated the extent to which he was prepared to concede reform. Had such a plan been offered at the opening of the Estates General, it is possible that it might have been received joyfully; now, however, it was six weeks too late. The commoners had heard such promises before, and had found them wanting. Moreover, they themselves had already gone beyond this program. The document should be compared with the demands of the *cahiers*.

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1. No new tax shall be established, no old one extended beyond the term stated by law, without the consent of the representatives of the nation.

2. Newly established taxes, or old ones which have been extended, shall be effective only until the next

session of the Estates General.

3. Since loans may become the necessary occasion for increasing taxes, none shall be contracted without the consent of the Estates General, upon condition always that, in case of war or other national danger, the Sovereign have the power to borrow, without delay, to the amount of 100,000,000; for it is the King's formal intention never to make the safety of the State dependent upon anyone.

4. The Estates General shall examine carefully the state of the finances, and shall request all information necessary to inform it completely thereon.

5. The statement of revenues and expenditures shall be made public annually, in a form proposed by the Estates General and approved by His Majesty.

6. The sums assigned to each and every department [of the Government] shall be determined invariably, and the King submits to this general rule even the funds destined for the maintenance of his household.

7. In order to assure this stability of the divers expenditures of the State, the King desires that suitable provisions be recommended therefor by the Estates General; His Majesty will adopt them if they are in accord with royal dignity and the indispensable dispatch of public service.

8. The representatives of a nation faithful to the laws of honor and integrity will make no attack upon public confidence, and the King expects them to

assure and strengthen the confidence of creditors of the State in the most incontestable manner.

9. When the formal intentions announced by the clergy and the nobility of renouncing their pecuniary privileges have been realized through their deliberations, the King intends to sanction them, and purposes that no privileges or distinctions shall exist henceforth in the payment of pecuniary taxes.

10. In order to indorse such an important resolution, the King desires that the name of *faillie* be abolished in his kingdom, and that said impost be combined with either the *vingtieme* or any other territorial assessment, or, finally, that it be replaced in some manner, but always in just and equal proportion and without distinction of status, rank, or birth.

11. The King desires that the right of *franc-fief* be abolished as soon as the revenues and fixed expenditures of the State are equally balanced.

12. All property, without exception, shall be respected at all times, and His Majesty expressly includes under the name of property the tithes, *cens, rentes*, feudal and seigneurial rights and duties, and, in general, all rights and prerogatives, useful or honorary, connected with lands and fiefs or appertaining to persons.

13. The first two orders of the State shall continue to enjoy exemption from personal obligations; but the King is willing that the Estates General apply itself to providing means of converting such obligations into pecuniary contributions, and, this

accomplished, that all orders of the State be equally subject thereto.

14. His Majesty intends to determine, upon the advice of the Estates General, what positions and offices shall henceforth preserve the privilege of conferring and transmitting nobility. Nevertheless, according to the right inherent in his crown, His Majesty will grant patents of nobility to those of his subjects who, by services rendered the King and the State, show themselves worthy of such reward.

15. The King, wishing to assure permanently the individual liberty of all citizens, invites the Estates General to seek for and to propose to him the most suitable means of reconciling the abolition of the warrants known as *lettres de cachet* with the maintenance of public security and the precautions necessary to safeguard the honor of families in certain cases, to repress promptly the first indications of sedition, and to guarantee the State against the effects of criminal correspondence with foreign powers.

16. The Estates General shall investigate and make known to His Majesty the most suitable means of reconciling liberty of the press with the respect due religion, morals, and the honor of citizens.

17. In the several provinces or *generalites* of the kingdom, provincial Estates shall be established, composed in the ratio of two-tenths clergy, some of whom will necessarily be chosen from the episcopal order, three-tenths nobility, and five-tenths third estate.

18. The members of such provincial Estates shall be freely elected by their respective orders, and property shall be a prerequisite for electors and eligibles.

19. The deputies to said provincial Estates shall deliberate in common upon all matters, according to the usage observed in the provincial assemblies, which the said Estates shall replace.

20. An intermediate commission, chosen by the said Estates, shall administer the affairs of the province during the interval between sessions; and such intermediate commissions, alone responsible for their administration, shall have as delegates persons chosen only by them, or by the provincial Estates.

21. The Estates General shall propose to the King its views on all other aspects of the internal organization of the provincial Estates, and on the choice of forms applicable to the election of members of such assemblies.

22. Apart from the administrative matters for which the provincial assemblies are responsible, the King will entrust the provincial Estates with the administration of hospitals, prisons, poorhouses, foundling hospitals, the supervision of the expenditures of cities, the superintendence of the maintenance of forests, the custody and sale of wood, and other matters that might be more usefully administered by the provinces.

23. Disputes occurring in provinces where former Estates exist, and objections raised against the

establishment of such assemblies, will have to be considered by the Estates General; it shall inform His Majesty of just and wise provisions suitable for the establishment of permanent order in the administration of said same provinces.

24. The King invites the Estates General to direct its efforts towards seeking appropriate means of turning his domains to most advantageous account, and likewise to propose to him its views on suitable action relative to indentured domains.

25. The Estates General shall concern itself with the project, conceived long since by His Majesty, of transferring customhouses to the frontiers of the kingdom, in order that the most perfect freedom may prevail in the internal circulation of national or foreign merchandise.

26. His Majesty desires that the unfortunate effects of the tax on salt and the importance of such revenue be carefully discussed, and that, in all postulations, at least means of mitigating the collection thereof be proposed.

27. His Majesty desires also that the advantages and disadvantages of the rights of *aides* and other imposts be carefully examined, but without losing sight of the absolute necessity of assuring an exact balance between the revenues and the expenditures of the State.

28. According to the wish manifested by the King in his declaration of 23 September last,²³ His Majesty will give serious attention to projects presented to

him relative to the administration of justice, and to means of perfecting the civil and criminal laws.

29. The King desires that the laws promulgated during the session, and according to the advice or desire of the Estates General, experience no delay or impediment in their registration and execution throughout his kingdom.

30. His Majesty desires that the use of the *corvee* for the construction and maintenance of roads be abolished in his kingdom entirely and forever.

31. The King desires that the abolition of the right of *mainmorte*, the example of which His Majesty has given in his domains, be extended to all France, and that means be proposed for providing the indemnity due seigneurs who possess such right.

32. His Majesty will apprise the Estates General immediately of the regulations which he is preparing for the restriction of *capitaineries*, thus giving, in this connection, which pertains more closely to his personal enjoyment, a new proof of his love for his people.

33. The King invites the Estates General to consider all aspects of the drafting of militia, and to devise means of reconciling what is due the defence of the State with the alleviations which His Majesty wishes to procure for his subjects.

34. The King desires that all provisions of public order and benefit

²³ Declaration ordering the convocation of the Estates General [A. P., v. 1, pp. 388-389]. cence

authorized by His Majesty on behalf of his people during the present session of the Estates General, among others those relative to personal liberty, equality of taxation, and the establishment of provincial Estates, never be changed without the consent of the three orders given separately. His Majesty classifies them, in anticipation, with national property, which, like all other property, he wishes to place under the most assured protection.

35. His Majesty, having called upon the Estates General to concern itself, in concert with him, with important matters of public welfare, and with whatever may contribute to the happiness of his people, declares most expressly that he wishes to preserve completely, and without the slightest impairment, the institution of the army, and every authority, police, and power over the military that French monarchs have continually enjoyed.

13. The King's Closing Speech

23 June, 1789

SOURCE: Duvergier, v. 1, pp. 27-28. See also: A. P., v. 8, pp. 145-146; B. and R., v. 2, p. 21; Legg, v. 1, pp. 32-33.

The resentment engendered among the commoners by the generalities of the opening speech, the reprimands of the declaration on the Estates General, and the self-righteousness of the declaration of intentions was intensified by the discourse with which the King closed the Royal Session. This speech, especially in its threats and

concluding orders, afforded final proof that the King was unaware of what was happening or of what had happened.

*** * ***

Gentlemen, you have just heard the substance of my intentions and opinions; they are consistent with my earnest desire to effectuate the public weal; and if, by a calamity remote from my mind, you abandon me in so worthy an undertaking, alone I will effect the happiness of my people, alone I will consider myself their true representative; and knowing your *cahiers*, knowing the perfect accord that exists between the most generous wish of the nation and my beneficent intentions, I shall have all the confidence which so rare a harmony must create, and, with all the courage and resolution that it must inspire in me, I will advance towards the goal I desire to achieve.

Consider, Gentlemen, that none of your projects, none of your resolutions can have the force of law without my special approval.

Thus, I am the natural guarantor of your respective rights; and all the Orders of the State may rely upon my equitable impartiality. Any distrust on your part would be a great injustice. It is I who, hitherto, have accomplished everything for the happiness of my people; and it is doubtless rare that the only ambition of a sovereign is to reach an understanding with his subjects so that at last they may accept his benefits.

I order you, Gentlemen, to separate immediately, and to go tomorrow morning to the chambers allotted to your respective orders to resume your sessions. Accordingly, I order the Grand Master of Ceremonies to have the halls prepared.

Suggestions for Reading and Reference

THE ESTATES GENERAL

(For full titles see Key to Abbreviations, *supra*)

GENERAL

Secondary Works

Acton, pp. 39-76; Aulard, v. 1, pp. 127-139; Bourne, pp. 73-74, 88-96; Bradby, pp. 15-33; Brinton, pp. 1-28; C. H. B. F. P., v. 1, pp. 186-187; C. M. H., v. 8, pp. 114-159; Deslandres, v. 1, pp. 31-48; Gasc-Desfosses, v. 1, pp. 382-427, and v. 2, pp. 1-40; Gershoy, pp. 98-113; Gottschalk, pp. 101-106, 116-130; Hazen, v. 1, pp. 172-242; Henderson, pp. 25-48; Jaures, v. 1, pp. 136-254 [Mathiez ed., v. 1, pp. 173-292]; Kropotkin v. 1, pp. 35-56; L. and R., v. 8, pp. 35-62, 115-118 *passim*; L., G., and S., pp. 1-32; MacLehose, pp. 1-102; Madelin, pp. 38-66; Masson, ch. 2 *passim*; Mathews, pp. 112-128; Mathiez, pp. 28-45; Rose, pp. 34-40; Sagnac, pp. 1-36; Sorel, v. 1, pp. 537-552; Stephens, pp. 49-54; Stephens, *French Revolution*, v. 1, pp. 9-67, 75-126 *passim*; Thompson, pp. 1-44 [Amer. ed., pp. 1-29]; Villat, pp. 1-27, 74-83.

Primary Sources

A. P., v. 1, pp. 278 ff., v. 2-7, v. 8, pp. 1-182; B. and R., v. 1, pp. 239 ff., v. 2, pp. 1-29; C. and G., pp. 1-3;

Caron, pp. 1-27 *passim*, 27-31; D. and M., pp. i-vi [comments]; Duvergier, v. 1, pp. 1-28; Helie, pp. 3-24; Higgins, pp. 68-89; Schmidt, pp. 1-29 *passim*, 29-30; Schmidt, *Industrie*, pp. 1-20 *passim*, 21-32; Stephens, *Speeches*, v. 1, pp. 1-18, 41-81; Thompson, *Witnesses*, pp. 18-45.

SPECIAL

NOTE; As already indicated, the "Special" parts of these chapter bibliographies are reduced to the barest essentials and are restricted mainly to titles in

English. For further reading students are again referred to the bibliographies cited at the end of the Key to Abbreviations.

Secondary Works

[See also the following works cited at the end of the Introduction: under *Institutional Antecedents*—Herbert; Lowell; MacLehose under *Immediate Antecedents*—Carre, Sagnac, and Lavissee.]

Brette, Armand, ed., *Les constituents. Liste des deputes et des suppleants 6lus a Vassemblee constituante de 1789* (Paris, 1897); Garrett, M. B., *The Estates General of 1789: The Problems of Composition and Organization* (New York, 1935); Hyslop, Beatrice F., *A Guide to the General Cahiers of 1789 . . .* (New York, 1936); Lefebvre, Georges, *The Coming of the French Revolution*, tr. from the French by R. R. Palmer (Princeton, 1947), especially ch. 4, 5.

Primary Sources

[See also at end of Introduction, under *Institutional Antecedents*: Young.]

Brette, Armand, ed., *Recueil de documents relatifs a la convocation des Etats Generaux de 1789*, 4 v. (Paris, 1894-1915) and supplementary *Atlas de bailliages* (Paris, 1904); Fling, F. M. and H. D., ed. and tr., *Source Problems on the French Revolution* (New York, 1913), pp. 1-159; Jourdan, A. J. L., Isambert,

F. A., and Crusy, -, de, ed., *Recueil general des anciennes lois frangaises*,

28 v. and Table (Paris, 1822-1833), v. 28, pp. 494-668 *passim*; Legg, v. 1, pp. 1-38.

Many of the memoirs of the revolutionary period have not been translated into English. The standard French collection is Berville, Saint-Albin, and Barriere, J. F., ed., *Collection des memoires relatifs a la Revolution frangaise*, 56 v. (Paris, 1820-1828). For memoirs in translation for this and other chapters see the bibliographies already mentioned.

BIOGRAPHY

In the matter of biographical studies, limitations of space again necessitate the virtual elimination of all but a very few general studies which are applicable to all chapters. These are as follows: Beraud, Henri, *Twelve Portraits of the French Revolution*, tr. from the French by Madeleine Boyd (Boston, 1928); Gibbs, Philip, *Men and Women of the French Revolution* (Philadelphia and London, 1906); Madelin, Louis, *Figures of the Revolution*, tr. from the French by Richard Curtis (New York, 1929); Thompson J. M., *Leaders of the French Revolution* (New York, 1929);

Whale, Winifred S., *Women of the French Revolution* (London, 1922); Whitham, J. M., *A Biographical History of the French Revolution* (London, 1922) and *Men and Women of the French Revolution* (New York, 1933).

CHAPTER TWO--THE NATIONAL CONSTITUENT ASSEMBLY

(28 June, 1789-30 September, 1791)

I. THE FALL OF THE BASTILLE

14. Report of the British Ambassador on the Events of 14 July, 1789 - 16 July, 1789.

II. THE AUGUST REFORMS

15. The August 4th Decrees, 4-11 August, 1789.

16. Decree Establishing National Guards, 10 August, 1789.

III. THE PRINCIPLES OF '89

17. Declaration of the Rights of Man and Citizen, 27 August, 1789.

18. Decree on the Fundamental Principles of Government,

1 October, 1789.

IV. THE OCTOBER DAYS

19. Decree on Martial Law, 21 October, 1789.

V. REORGANIZATION OF LOCAL GOVERNMENT

20. Decree Establishing Municipalities, 14 December, 1789.

21. Decree Establishing Electoral and Administrative Assemblies,

22 December, 1789.

22. Decree Dividing France into Departments, 26 February, 1790.

VI. REORGANIZATION OF THE LEGAL SYSTEM

23. Decree Abolishing Hereditary Nobility and Titles, 19 June, 1790.

24. Decree Reorganizing the Judiciary, 16 August, 1790.

VII. PROBLEMS IN FINANCE AND TAXATION

25. Decree Confiscating Church Property, 2 November, 1789#

26. Decree on *Assignats*, 17 April, 1790.

VIII. PROBLEMS IN ECONOMIC REORGANIZATION

27. Decree Providing for a Uniform Tariff, 31 October, 1790.

28. The “Chapelier” Law, 14 June, 1791.

IX. ECCLESIASTICAL REORGANIZATION

29. Grant of Religious Liberty to Protestants, 24 December, 1789.

30. Decree Prohibiting Monastic Vows in France, 13 February, 1790.

31. The Civil Constitution of the Clergy, 12 July, 1790.

32. Decree Requiring the Clerical Oath, 27 November, 1790.

33. The Papal Bull *Charitas*, 13 April, 1791.

34. Decree Restricting the Publication of Papal Documents in France, 9 June, 1791.

CHAPTER TWO

THE NATIONAL CONSTITUENT ASSEMBLY

(28 June, 1789-30 September, 1791)

The period of the National Constituent Assembly was the period of great constructive achievement during the French Revolution.

The problems facing the Assembly may be suggested by the *cahiers*: the provision of a new political order; the stabilization of the national economy; the moderation of religious antagonisms; the amelioration of social distress; the diffusion of enlightenment; and the elimination of abuses and outmoded institutions. To these was added the difficulty of effecting a working compromise with the privileged classes who had been forced into union with the commoners. The degree to which the deputies were successful may be judged from this chapter and the following one.^{[1](#)}

Before the Assembly could begin its business, it was faced with the problem of maintaining its very existence (I). When this danger was past, it was

forced to turn its attention to economic disorders (II). These quieted, at least temporarily, it applied itself to formulating the constitutional principles upon which it wished to re-establish France (III). Again, however, its constitutional endeavors were interrupted by the disturbances of the “October Days” (IV), which resulted in the removal of both King and Assembly to Paris.

Settled in the capital, at last the Assembly was able to concentrate its efforts on the work of altering the basic structure of French institutions. A new system of local government (V), a new legal organization (VI), further attempts to solve the ever-present financial problems (VII), numerous economic reforms (VIII), and the inauguration of a new dispensation in religious matters (IX) occupied most of its time until its close in 1791.

The international relations of the early Revolution, the completion of the constitution, and a general estimate of the significance of the National Constituent Assembly are reserved for the next chapter.

I. THE FALL OF THE BASTILLE

Urged by the Court to take direct action against the Assembly, and finding his French Guard sympathetic with the revolutionaries, the King summoned from outlying sections of France some 20,000 mercenary troops. Ostensibly these were to maintain order, especially in Paris where, at the end of June, disturbances had occurred; actually it appears that they were to be used in an attempt to overawe, if not to disband, the National Assembly.

The arrival of the soldiers early in July produced consternation among the people of Paris, and news of the dismissal of Necker threw the capital into turmoil. Mobs paraded and clashed with the military. The populace began a search for arms, and brigandage and violence ensued. To defend life and property, the electors, who had continued to sit after completing their belated elections to the Estates General, asked the King for a local militia. When he ignored the request, they assumed the responsibility, established themselves as a provisional municipal government, and ordered the creation of a Parisian armed force.

The formation of this citizen army did not, however, check the search for arms. The search culminated, on 14 July, in the storming of an old fortress, the Bastille, and the slaughter of a large part of its small garrison (14). During the Old Regime the Bastille had served as a prison for political offenders. Hence, its fall removed a symbol of despotism. Moreover, it forced the King to forego whatever plans he may have had for a military coup. On the following day he ordered the troops withdrawn; on the 16th he recalled Necker; and on the 17th he went in person to sanction the new Paris government under Bailly as Mayor and the new “National Guard” under Lafayette.²

Unhappily, royal opposition was not ended. Henceforth Louis worked secretly, and his most staunch supporters were to be found among the conservatives of the privileged orders. Many of these now left France. They were the vanguard of a host of *emigres*, the first members of a vigorous and defiant counter-revolutionary movement.

14. Report of the British Ambassador on the Events of 14 July, 1789

16 July, 1789

SOURCE: **Browning, Oscar, ed., *Despatches from Paris, 1784-1790*, 2 v. (London,**

1909-1910) [Royal Historical Society, Camden, 3rd series, XVI, XIX], v. 2, pp. 238-244. [Published here by permission of the Council of the Royal Historical Society.] REFERENCE: **One of the most colorful accounts of the fall of the Bastille is in**

Carlyle's *French Revolution*, v. 1, Part I, Book V.

John Frederick Sackville, third Duke of Dorset, was ambassador extraordinary from Great Britain to France from 1783 to 1789. His account of 14 July, 1789,

² For further development of the National Guard see document 16, *infra*. directed to the Duke of Leeds, British Foreign Secretary, is of interest for his interpretation of the significance of the events of that day. The spelling and punctuation of the original have been followed.



The general wish now is that the King would come to Paris and it was hoped yesterday that His Majesty would be induced to shew Himself here on this day, but it is said that He is prevented coming by indisposition: it is thought difficult to foresee what measures the people will have recourse to: the general idea however is that an armed Body of

Citizens to the number of at least 50,000 will go to Versailles and forcibly bring their Sovereign to the Capital. The disposition of the people at this moment is so unfavorable to the Court that I should not be surprized if the States-General, by appearing to give too much credit to-the King's professions, should lose the consideration in which they have hitherto been held by the Nation.

The Populace will not easily forgive the removal of M. Necker; for they seem determined to push their resentment to the utmost lengths; but God forbid that should be the case, since they have already got the upperhand, for who can trust to the moderation of an offended multitude?

The regularity and determined conduct of the populace upon the present occasion exceeds all belief and the execration of the Nobility is universal amongst the lower order of people.

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Everybody since Monday has appeared with a cockade in his hat; at first green ribbons were worn but that being the color of the Comte d'Artois' livery, red and white in honor of the Due d'Orleans have been substituted.

Thus, My Lord, the greatest Revolution that we know anything of has been effected with, comparatively speaking, if the magnitude of the event is considered, the loss of very few lives; from this

moment we may consider France as a free Country, the King a very limited

Monarch, and the Nobility as reduced to a level with the rest of the Nation.

The Royal Treasury is in the hands of the Bourgeoisie and is untouched: the Caisse d'Escompte is also under the same protection and payments are made there as usual.

At least 200 workmen are employed in pulling down the Bastille, but as it is a construction of uncommon strength, it will require some time to erase it entirely.

II. THE AUGUST REFORMS

While riots were occurring in Paris, disturbances, both urban and rural, occasioned by economic distress, were taking place in the provinces. The news of the fall of the Bastille aggravated the situation. The Great Fear—fear of the aristocracy, of starvation, of the unknown—drove the peasants to excesses.

When news of these “Jacqueries” reached the Assembly, a committee was appointed to investigate the matter. The committee reported in favor of repression, but wiser counsels were to prevail. Certain progressive members of the privileged classes planned to sacrifice voluntarily that which, in many cases, was already lost, in the hope that they might restore order and save whatever might remain. Their efforts to do so, on the night of 4 August, developed into a somewhat hysterical renunciation of prerogatives, the net result of which

was incorporated, during the ensuing week, into legislation (15). This legislation may be said to have terminated the manorial regime in France.

An important by-product of the fall of the Bastille and the August disorders was the establishment of National Guards throughout the kingdom (16),

15. The August 4th Decrees

4-11 August, 1789

SOURCE: **Duvergier, v. 1, pp. 33-35. See also: A. P., v. 8, .pp. 397-398;**

B. and R., v. 2, pp. 259-263; Legg, v. 1, pp. 106-111.

REFERENCES: **The principal supplementary decrees were those of 15 March, 1790**

[Duvergier, v. 1, pp. 114-121], 17 August, 1792 [*ibid.*, v. 4, p. 317], and 17 July, 1793 [*ibid.*, v. 6, pp. 19-24]. Additional legislation may be found in Caron, Pierre, ed., *La suppression des droits feodaux. Instruction, recueil de textes et notes* (Paris, 1920-1921) [*Bulletin d'histoire economique*, 1920-1921, pp. 1-230].

The contents of this document, which is generally known by the above title, are more conservative than the renunciations by the deputies or the tone of finality in the opening sentence might imply. The qualifications concerning redemptions and compensation should be noted; likewise the provision for the temporal y continuation of certain obligations. Important positive items are the opening o positions to all citizens, and the necessity of providing for the maintenance of the Church now

that the tithes were to disappear. It is significant that the artisans received no consideration at this time.

The August 4th decrees should be viewed in the light of the demands of the

cahiers, and should be considered as a source of much subsequent legislation. They constituted a program of reform which only time could put into effect, but which, unfortunately, the peasants accepted as a *fait accompli*.

* * *

1. The National Assembly abolishes the feudal regime entirely, and decrees that both feudal and *censuel* rights and dues deriving from real or personal *mainmorte* and personal servitude, and those representative thereof, are abolished without indemnity, and all others declared redeemable;² and that the price and manner of redemption shall be established by the National Assembly. Those of the said dues which are not suppressed by the present decree, however, shall continue to be collected until reimbursement has been made.

2. The exclusive right to *juies* and *colomb'ters* is abolished; pigeons shall be confined at times determined by the communities; and during such periods they shall be regarded as game, and everyone shall have the right to kill them on his own land.

3. The exclusive right of hunting and open warrens is likewise abolished;³ and every proprietor has the

right to destroy and to have destroyed, on his own property only, every kind of game, conditional upon conformity with police regulations relative to public security.

All *capitaineries*, even royal ones, and all hunting preserves, under whatever denomination, are likewise abolished; and provision shall be made, by means compatible with the respect due property and liberty, for the preservation of the personal diversions of the King.

The President shall be charged with requesting the King for the recall of persons exiled and consigned to the galleys simply for hunting, the release of prisoners now detained, and the cancellation of existing proceedings in that connection.

4. All seigneurial courts of justice are suppressed without any indemnity; nevertheless, the officials of such courts shall continue in office until the National Assembly has provided for the establishment of a new judicial organization.

5. Tithes of every kind and dues which take the place thereof, under whatever denomination they are known and collected, even by subscription, *possessed by secular and regular bodies*, by beneficed clergymen, *fabriques* and all persons in *mainmorte*, even by the Order of Malta and other religious and military orders, even those abandoned to laity in substitution for and option of *portion congrue*, are abolished, subject to the devising of means for providing in some other manner for the expenses of divine worship, the maintenance of ministers of religion, relief of the poor, repairs

and rebuilding of churches and parsonages, and for all establishments, seminaries, schools, colleges, hospitals, communities and others, to the maintenance of which they are now assigned. Meanwhile, until such provision is made and the former possessors are furnished with their equivalent, the National Assembly orders that collection of the said tithes shall continue according to law and in the usual manner. Other tithes, of whatever nature, shall be redeemable according to the regulations of the Assembly; and until such regulations are made, the National Assembly orders that the collection thereof also be continued.

6. All perpetual ground rents, either in kind or in money, of whatever species, whatever their origin, to whatever persons they are due . . . shall be redeemable; *champarts* of every kind and denomination likewise shall be redeemable at a rate established by the Assembly. No nonredeemable due may be created henceforth.

7. Venality of judicial and municipal offices is suppressed henceforth. Justice shall be rendered gratuitously; nevertheless, the incumbents of said offices shall continue to perform their duties and to collect the emoluments thereof until the Assembly has provided means of procuring their reimbursement.

8. The contingent fees of country *cures* are suppressed, and shall cease to be paid as soon as provision has been made for the increase of the *portions congrues* and for the payment of vicars; and a regulation determining the lot of the town *cures* shall be made.

9. Pecuniary privileges, personal or real, in matters of taxation are abolished forever. Collection shall be made from all citizens and on all property, in the same manner and in the same form; and means of effecting proportional payment of all taxes, even for the last six months of the current year, shall be considered.

10. Since a national constitution and public liberty are more advantageous to the provinces than the privileges which some of them enjoy, and the sacrifice of which is necessary for the close union of all parts of the realm, all special privileges of provinces, principalities, *pays*, cantons, cities, and communities of inhabitants, whether pecuniary or of any other kind, are declared abolished forever, and shall be absorbed into the law common to all Frenchmen.

11. All citizens may be admitted, without distinction of birth, to all ecclesiastical, civil, and military employments and offices, and no useful profession shall entail forfeiture.

12. In future no *deniers* for annates or for any other cause whatsoever shall be dispatched to the court of Rome, the vice-legation at Avignon, or the nunciature at Lucerne;⁵ diocesans shall address themselves to their bishops for all provisions of benefices and dispensations, which shall be granted gratuitously . . .

13. The *deports*, rights of *cote-morte*, *depouilles*, *vac at*, *censuel* dues, Peter's pence, and others of the same kind established in favor of bishops, archdeacons, archpriests, chapters, *cures primitifs*,

and all others, under any name whatsoever, are abolished, subject to suitable provision for the endowment of insufficiently endowed archdeacons and archpriests.

14. Plurality of benefices shall no longer exist when the revenues of the benefice or benefices of an incumbent exceed the sum of 3,000 *livres*.

Possession of several pensions on a benefice, or a pension and a benefice, shall no longer be permitted if the revenue from those already held exceeds the said sum of 3,000 *livres*.

15. On the basis of the account to be rendered concerning the state of pensions, favors, and stipends, the National Assembly, in concert with the King, shall undertake the suppression of those which are not merited, and the reduction of those which are excessive, subject to determining for the future a sum which the King may use for such purpose.

16. The National Assembly decrees that, in memory of the impressive and momentous deliberations just held for the welfare of France, a medal shall be struck, and that, as an expression of gratitude, a *Te Deum* shall be sung in all parishes and churches of the kingdom.

® Payment of annates had been abolished by the Pragmatic Sanction of Bourges 1438, but was restored by the Concordat of Bologna, 1516. Article 12 therefore k breach of the contract established by the latter. ' '

17. The National Assembly solemnly proclaims King Louis XVI

Restorer of French Liberty.

18. The National Assembly shall repair *en masse* to the King to present to His Majesty the decree just pronounced, to bear him the homage of its most respectful gratitude, and to supplicate him to permit the *TeDeum* to be sung in his chapel, and to be present there himself.

19. Immediately after the Constitution, the National Assembly shall undertake the drafting of laws necessary for the development of the principles established by the present decree, which, with the decree of the tenth of this month,⁶ shall be dispatched immediately by the deputies into all the provinces, there to be printed, proclaimed also at the parish sermons, and posted wherever necessary.

16. Decree Establishing National Guards

10 August, 1789

SOURCE: A. P., v. 8, pp. 378-379. See also: Durvergier, v. 1, pp. 36-37 [omits first paragraph]; Legg, v. 1, pp. 112-114 [omits part of preamble].

Many cities followed (some had even anticipated) the example of Paris by establishing local governments and guards to protect property. On 10 August the Assembly gave official sanction to the latter trend by this decree creating “National Guards” throughout France. By so doing, it provided a good internal police, which was to play a vital role during the Revolution, and also the nucleus of a volunteer citizen army which could be used, if necessary, against enemies of the state—even if

those enemies happened to be the mercenary troops of the King. The organization of the National Guards was effected by Lafayette, and, although it was deemed contrary to equality, the members wore uniforms.

*** * ***

The National Assembly, considering that the enemies of the nation, having lost hope of obstructing public regeneration and the establishment of liberty by the violence of despotism, seem to have conceived the criminal scheme of achieving the same objective by means of disorder and anarchy; that . . . they have . . . caused false alarms to be spread in the several provinces of the kingdom, and by announcing incursions and brigandages that did not exist they have given rise to excesses and crimes against both property and persons, and . . .

⁰ Document 16, *infra*. deserve the severest penalties; that these men have carried audacity to the point of distributing false orders and even false edicts of the King, which have armed one portion of the nation against the other at the very time when the National Assembly was enacting decrees most favorable to the interest of the people;

Considering that, in the general agitation, the most sacred property, and even the harvests, the only hope of the people in these times of scarcity, have not been respected;

Considering, finally, that the union of all forces, the influence of all powers, the operation of all resources, and the zeal of all good citizens must co-operate in repressing such disorders;

Orders and decrees:

That all municipalities of the kingdom, both in cities and in country districts, shall safeguard the maintenance of public tranquillity; and that, simply upon their requisition, the national militia, as well as the *marechaussees*, shall be assisted by troops for the purpose of pursuing and arresting disturbers of the public peace, irrespective of their status;

That the persons arrested shall be brought before the courts of justice and interrogated immediately, and that action shall be brought against them; but that there shall be a delay in the sentence and application thereof in the case of those who are prevented from being authors of false alarms and instigators of pillaging and violence against either property or persons; and that, meanwhile, copies of the information, of the examinations, and other proceedings shall be directed successively to the National Assembly, so that upon examination and comparison of the proofs assembled from the divers parts of the kingdom, it may determine the source of the disorders, and provide that the leaders of the plots be subjected to exemplary penalties which may effectually repress similar attempts;

That all seditious assemblages, whether in cities or in country districts, even under pretext of hunting, shall be dispersed immediately by the national militia, the *marechaussees*, and the troops, simply upon the demand of the municipalities;

That in the towns and municipalities of rural regions, as well as in every district of the large cities, a list shall be drawn up of vagrants, men without trade or

profession and without established domicile, who shall be disarmed; and that the national militia, the *marechaussees*, and the troops shall give particular attention to their supervision;

That all the national militia shall take an oath, before their commandant, to serve well and faithfully the maintenance of peace for the defence of the citizens and against the disturbers of public tranquillity; and that all troops, to wit, the officers of every rank and the soldiers, shall take, with most august solemnity, an oath to the nation and to the King, the head of the nation;

That the soldiers shall swear, before the entire regiment under arms, never to abandon their colors, to be faithful to the nation, to the King, and to the law, and to comply with the rules of military discipline;

That the officers shall swear, at the head of their troops, in the presence of the municipal officials, to remain faithful to the nation, to the King, and to the law, and never to employ against the citizens those who are under their orders, except upon requisition of the civil or municipal officials, which requisition shall always be read to the assembled troops;

That the *cures*, in both town and country, shall read the present decree to their parishioners in the church, and that, with all the zeal which they have constantly manifested, they shall use the influence of their ministry to re-establish peace and public tranquillity, and to restore all citizens to the order

and obedience that they owe the legitimate authorities;

His Majesty shall be supplicated to give the orders necessary for the full and entire execution of the present decree, which shall be directed to all cities, municipalities, and parishes of the kingdom, as well as to the courts, there to be read, published, posted, and inscribed on the registers.

III. THE PRINCIPLES OF '89

Following the passage of the August 4th decrees, the deputies returned to the constitutional labors at which they had been interrupted. The first constitutional debates dealt with the problem of a fundamental declaration of rights, which was finally adopted on 27 August (17), and which comprises the "principles of '89." Next the Assembly turned to the constitution itself.⁷ After heated discussion, particularly concerning the structure of the legislature and its relations with the executive, by the end of September the general bases of the government were sufficiently agreed upon to permit their formulation in a public document (18).

⁷ The official summary of constitutional matters in the *cahiers* presented by the first constitutional committee on 27 July, 1789, is in Legg, v. 1, pp. 103-104. For debates on the Declaration of the Rights of Man, see A. P., v. 8, pp. 221 ff.

17. Declaration of the Rights of Man and Citizen

27 August, 1789

SOURCE: **Blum, Eugene, ed.,** *La declaration des droits de l'homme et du*

(Paris, 1902), pp. 3-8. [Used by permission of Presses Umversitaires de France, Pans, successors to F. Alcan.] See also: Duvergier, v. 3, p. 240, A. P., v. , PP*

153; B. and R., v. 11, pp. 404-406; C. and G., pp. 21-24; D. and M., pp. 1-3; Helie, pp. 30-32; Legg, v. 2, pp. 216-218. , ,

REFERENCES: **Jellinek, Georg,** *The Declaration of the Rights of Man an of*

Citizens: A Contribution to Modern Constitutional History, tr. from the German by Max Farrand, and rev. by the author (New York, 1901). See also at end of Introduction, under Intellectual Antecedents, especially the works by Becker, Hearnshaw, and

Martin.

This is one of the most significant documents of the entire revolutionary period. Whatever its origin—whether it derived from the bills of rights of the American state constitutions, from the ideas of the *philosophes*, or from some other source —it revealed an attention to practicel realities as well as to current ideologies. Although all its principles were not eventually incorporated in the body of the constitution, it provided a powerful tangible revolutionary gospel.

Certain features of the declaration merit special notice: its similarity to the American Declaration of Independence; its bourgeois character; its

inadequate treatment of economic principles; its failure, satisfactorily to define private property; its apparent neglect of the right of association; and its insufficient attention to religious liberty. It should be viewed in the light of the weaknesses of the Old Regime and the aspirations of the revolutionaries. It should be compared with the corresponding declarations prefaced to later constitutions.⁸



The representatives of the French people, organized in National Assembly, considering that ignorance, forgetfulness, or contempt of the rights of man are the sole causes of public misfortunes and of the corruption of governments, have resolved to set forth in a solemn declaration the natural, inalienable, and sacred rights of man, in order that such declaration, continually before all members of the social body, may be a perpetual reminder of their rights and duties; in order that the acts of the legislative power and those of the executive power may constantly be compared with the aim of every political institution and may accordingly be more respected; in order that the demands of the citizens, founded henceforth upon simple and incontestable principles, may always be directed towards the maintenance of the Constitution and the welfare of all.

Accordingly, the National Assembly recognizes and proclaims, in

⁸ See documents 95, 123, 169; see also 90. the presence and under the auspices of the Supreme

Being, the following rights of man and citizen.

1. Men are born and remain free and equal in rights; social distinctions may be based only upon general usefulness.

2. The aim of every political association is the preservation of the natural and inalienable rights of man; these rights are liberty, property, security, and resistance to oppression.

3. The source of all sovereignty resides essentially in the nation; no group, no individual may exercise authority not emanating expressly therefrom.

4. Liberty consists of the power to do whatever is not injurious to others; thus the enjoyment of the natural rights of every man has for its limits only those that assure other members of society the enjoyment of those same rights; such limits may be determined only by law.

5. The law has the right to forbid only actions which are injurious to society. Whatever is not forbidden by law may not be prevented, and no one may be constrained to do what it does not prescribe.

6. Law is the expression of the general will; all citizens have the right to concur personally, or through their representatives, in its formation; it must be the same for all, whether it protects or punishes. All citizens, being equal before it, are equally admissible to all public offices, positions, and employments, according to their capacity, and without other distinction than that of virtues and talents.

7. No man may be accused, arrested, or detained except in the cases determined by law, and according to the forms prescribed thereby. Whoever solicit, expedite, or execute arbitrary orders, or have them executed, must be punished; but every citizen summoned or apprehended in pursuance of the law must obey immediately; he renders himself culpable by resistance.

8. The law is to establish only penalties that are absolutely and obviously necessary; and no one may be punished except by virtue of a law established and promulgated prior to the offence and legally applied.

9. Since every man is presumed innocent until declared guilty, if arrest be deemed indispensable, all unnecessary severity for securing the person of the accused must be severely repressed by law.

10. No one is to be disquieted because of his opinions, even religious, provided their manifestation does not disturb the public order established by law.

11. Free communication of ideas and opinions is one of the most precious of the rights of man. Consequently, every citizen may speak, write, and print freely, subject to responsibility for the abuse of such liberty in the cases determined by law.

12. The guarantee of the rights of man and citizen necessitates a public force; such a force, therefore, is instituted for the advantage of all and not for the particular benefit of those to whom it is entrusted.

13. For the maintenance of the public force and for the expenses of administration a common tax is indispensable; it must be assessed

9 equally on all citizens in proportion to their means.

14. Citizens have the right to ascertain, by themselves or through their representatives, the necessity of the public tax, to consent to it freely, to supervise its use, and to determine its quota, assessment, payment, and duration.

15. Society has the right to require of every public agent an accounting of his administration.

16. Every society in which the guarantee of rights is not assured or the separation of powers not determined has no constitution at all.

17. Since property is a sacred and inviolable right, no one may be deprived thereof unless a legally established public necessity obviously requires it, and upon condition of a just and previous indemnity.

18. Decree on the Fundamental Principles of Government

1 October, 1789

SOURCE: **A. P., v. 9, p. 237. See also: Helie, pp. 44-45.**

Here are presented the essentials of the constitutional development up to that time. The decree was both a statement of accomplishment and a program on which the deputies could and did base subsequent legislation. It should be compared with the completed Constitution of 1791.⁹

It may be well to note at this point that later in the month, following the King's removal to Paris, the sovereign's title was changed from "Louis, by the grace of God, King of France and Navarre" to "Louis, by the grace of God and the constitutional law of the State, King of the French"; and on 7 November,

1789, the Assembly adopted the principle that no deputy would be permitted to assume the office of Minister.

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1• powers emanate essentially from the nation and may emanate only therefrom.

⁹ See document 48, *infra*.

2. The French government is monarchical; there is no authority in France superior to the law; the King reigns only thereby, and only in the name of the law may he exact obedience.

3. The National Assembly has recognized and declared as fundamentals of the monarchy that the person of the King is inviolable and sacred; that the throne is indivisible; that the crown is hereditary in the reigning family, from male to male, by order of primogeniture, to the perpetual and absolute exclusion of women and their descendants . . .

4. The National Assembly shall be permanent.

5. The National Assembly shall be composed of a single chamber.

6. Every legislature shall be of two years' duration.

7. The members of every legislature shall be renewed in their entirety.

8. The legislative power resides in the National Assembly, which shall employ it as follows.

9. No act of the legislative body may be considered as law if it is not made by the freely and legally elected representatives of the nation and sanctioned by the monarch.

10. The King may refuse his consent to acts of the legislative body.

11. In case the King refuses his consent, such refusal shall be only suspensive.

12. The King's suspensive refusal shall expire at the second legislature following that which proposed the law.

13. The King may invite the National Assembly to take a matter under consideration; but the proposal of laws appertains exclusively to the representatives of the nation.

14. The creation and suppression of offices may take place only in pursuance of an act of the legislative body, sanctioned by the

King.

15. No impost or tax, in kind or in money, may be levied, no loan, direct or indirect, contracted except

by an express decree of the assembly of the representatives of the nation.

16. The supreme executive power resides exclusively in the hands of the King.

17. The executive power may not make laws, even provisional ones, but only proclamations, in conformity with the laws, in order to decree them or to recall their observance.

18. Ministers and other agents of the executive power are responsible for the use of their departmental funds, as well as for their violations of the law, whatever orders they may have received; but no order of the King may be executed unless signed by His Majesty and countersigned by a Secretary of State or by the manager [*ordonnateur*] of the department [of the Government].

19. Under no circumstances may the judicial power be employed by the King or by the legislative body; justice shall be administered, in the name of the King, only by the courts established by law, in pursuance of the principles of the Constitution and according to the forms determined by law.

IV. THE OCTOBER DAYS

Louis XVI had reluctantly agreed to promulgate the August 4th decrees, but he avoided commitments on constitutional legislation proper. Pressed for action, he followed the advice of conservatives and again summoned troops, this time to Versailles. News of anti-revolutionary demonstrations at a banquet given to the officers of these troops

reached Paris. At the instigation of popular agitators, sections of the populace arose. On 5 October a mob marched to Versailles, and on the following day the King agreed to move to Paris.¹⁰

Some two weeks later the Assembly followed, and soon established itself in the Manege, an amphitheatre-like riding school near the Tuileries Palace where the Royal Family was quartered. One of the Assembly's first acts in its new location was the enactment of a decree on martial law to preclude the possibility of further disorders (19). This done, the deputies returned to their constitutional labors.¹¹

19. Decree on Martial Law

21 October, 1789

SOURCE: Duvergier, v. 1, pp. 52-53 [article 1 varies slightly from the other texts cited]. See also: A. P., v. 9, pp. 475-476; B. and R., v. 3, pp. 205-208; C. and G., pp. 192-194 [omits article 11]; Legg, v. 1, pp. 153-155.

A modification of a proposal made by Mirabeau, this document is a further indication of the bourgeois character of the early Revolution, with its emphasis on order and property. The law was not really applied until July, 1791.¹²

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¹⁰ **See Fling, *Source Problems*, pp. 161-248.**

¹¹“One of the more important developments following the Assembly’s removal to Paris was the beginning of political clubs [see Brinton, Crane, *The Jacobins* (New York, 1930)]; another was the growth of newspapers [see Stephens, *French Revolution*, v. 1, ch.8]

¹² See document 44, *infra*.

The National Assembly, considering that liberty strengthens empires but that licence destroys them; that far from being the right to do everything, liberty exists only in so far as there is obedience to law; that if in normal times such obedience is sufficiently assured by the ordinary public authority, abnormal times may occur, when the people, excited by causes which are often criminal in character, become the unwitting instrument of intrigues; that such times of crisis temporarily necessitate extraordinary measures for maintaining public order and preserving the rights of all; has decreed and does decree the present martial law.

1. In the event that public order is jeopardized, the municipal officials of towns shall be required, by virtue of the power they have received from the commune, to declare, under penalty of being personally responsible for the consequences of their negligence, that the military force is to be deployed at once to re-establish public order.

2., Such declaration shall be made by exposing a red flag at the main window of the City Hall, and by carrying said flag through the streets and crossroads; and at the same time the municipal officials shall require the commanders of the

National Guards, regular troops, and *marechaussees* to lend their assistance.

3. At the mere signal of the flag, all assemblages, armed or otherwise, become criminal and are to be dispersed by force.

4. The National Guards, regular troops, and *marechaussees* requisitioned by the municipal officials shall be required to march immediately, commanded by their officers, preceded by a red flag, and accompanied by at least one municipal official.

5. The persons assembled shall be asked by one of the municipal officials the cause of their gathering, and the grievance whereof they seek redress. They shall be authorized to name six of their number to state their claims and present their petitions, and they shall be required to disband immediately and retire peaceably.

6. Upon failure of the assembled persons to retire, three summonses to retire peaceably to their homes shall be given aloud by the municipal officials, or by one of them. The first summons shall be stated in these terms: *Notice is given that martial law is proclaimed and that all assemblages are criminal; we are about to fire; let good citizens withdraw.* For the second and third summonses, repetition of the words *We are about to fire; let good citizens withdraw* shall suffice. The municipal officials shall announce whether the summons is the first, second, or last.

7. In the event that the assemblage commits any violence, either before or during the pronouncement

of the summons, and likewise in the event that the persons assembled do not retire peaceably after the summonses are rendered, force of arms shall instantly be deployed against the seditious persons, without any one s being responsible for the consequences.

8. In the event that the assembled people have committed no violence and retire peaceably, either before or immediately after the last summons, only the authors and instigators of the sedition, if they are known, may be prosecuted extraordinarily and condemned, to wit: to three years' imprisonment if the assemblage was unarmed; and to the penalty of death if the assemblage was armed. No action shall be taken against the others.

9. In the event that the assembled people commit violence or do not retire after the last summons, those who escape the shots of the military force and who may be arrested shall be punished by one year's imprisonment if they were unarmed, by three years if they were armed, and by the penalty of death if convicted of having committed violence. In the case of the present article, the authors and instigators of the sedition likewise shall be condemned to death.

10. All commanders, officers, and soldiers of the National Guards, troops, and *marechaussees*, who instigate or foment assemblages, riots, or seditions, shall be declared rebels against the nation, the King, and the law, and shall be punished with death; and those who refuse service on the requisition of the municipal officials shall be cashiered and punished with three years' imprisonment.

11. The municipal officials shall draft a report containing an account of the occurrences.

12. When order has been re-established, the municipal officials shall render a decree terminating martial law, and the red flag shall be withdrawn and replaced, for the duration of a week, by a white flag.

V. REORGANIZATION OF LOCAL GOVERNMENT

The principal constitutional endeavors of October and November, 1789, were directed towards the immediate reorganization of local government. The new system stemmed, for the most part, from the ineffectuality of the administrative structure of the Old Regime, the demands of the *cahiers*, and the events of the summer of 1789. The enactments (20-22) may be considered as statutory amplifications of constitutional principles, because only their essentials were embodied in the constitution. Like many similar acts of the period, the decrees were put into effect long before the constitution itself was completed.

France was thus provided with the nucleus of a unified system of municipal government and local administration which, despite its defects, persisted, with minor modifications, until replaced by the Napoleonic organization under the law of 17 February, 1800.

20. Decree Establishing Municipalities

14 December, 1789

SOURCE: Duvergier, v. 1, pp. 63-67. See also: A. P., v. 10, pp. 564-671; Helie, pp. 59-65; Legg, v. 2, pp. 154-

160.

In some respects this was the least radical of the enactments on local government. Although it derived in part from the spontaneous establishment of municipal institutions during the summer of 1789, nevertheless, to a very considerable extent it merely organized, standardized, and extended principles and practices which were already in existence. Even after the application of the new system in 1790, former municipal officials temporarily retained some of their functions. Paris received a special decree which came into effect in 1790, and replaced the sixty former districts with forty-eight sections.¹³

A real appreciation of this document can be gained only if it is read in conjunction with document 21.



1. The municipalities at present in existence in each and every city, town, parish, or community . . . , whatever their title or character, are suppressed and abolished; meanwhile, however, municipal officials now in office shall continue their duties until they have been replaced.

2. The officials and members of the present municipalities shall be replaced by election.

3. The rights of presentation, nomination, or confirmation, and presidency of or attendance at the municipal assemblies, claimed or enjoyed as perquisites of certain lands, of the functions of provincial or town commandant, or bishoprics or

archbishoprics, and generally of any other title whatsoever, are abolished.

4. The head of each and every municipal body shall bear the title of mayor.

5. All active citizens¹⁴ of each and every city, town, parish, or

13 note 16 *infra*.

14 For the perquisites of “active” citizenship see the instruction appended to this decree [Duvergier, v. 1, pp. 67-71]; cf. Constitution of 1791, Title III, Ch. 1, sec. 2, art. 2 [document 48, *infra*]. *community may participate in the election of members of the municipal body.* , , .

6. The active citizens shall gather in a single assembly in communities of fewer than 4,000 inhabitants; in two assemblies in communities of from 4,000 to 8,000 inhabitants; in three assemblies in communities of from 5,000 to 12,000 inhabitants, and so on.

7. The assemblies may not be formed according to crafts, professions, or corporations, but only according to quarters or *arrondissements*.

8. The assemblies of active citizens shall be summoned by the municipal body a week before they are to meet. The session shall be opened in the presence of a citizen charged by the municipal body with explaining the object of the convocation.

9. All special assemblies in the same town or community shall be scheduled for the same day and

hour.

10. As soon as it has been constituted, each and every assembly shall proceed to the election of a president and a secretary; for such election a simple relative plurality of votes in a single balloting, collected and counted by the three oldest members, shall suffice.

11. Following this, each and every assembly shall elect, by relative plurality of votes, three tellers who shall be charged with opening subsequent ballots, inspecting them, counting the votes, and announcing the results. Said three tellers shall be elected in a single balloting, collected and counted as before by the three oldest members.

12. The conditions of eligibility for municipal administrations shall be the same as for departmental and district administrations;¹⁵ nevertheless, kinsmen and relatives in the degrees of father and son, father-in-law and son-in-law, brother and brother-in-law, uncle and nephew, may not be members of the same municipal body at one and the same time.

13. The municipal officials and the notables referred to hereinafter may be elected only from among the eligible citizens of the commune.

14. Citizens occupying judicial positions may not at one and the same time be members of municipal bodies.

15. Collectors of indirect taxes may not be admitted to municipal office at one and the same

time so long as said taxes are in effect.

16. Mayors shall always be elected by absolute majority of votes. If the first balloting does not yield such a majority, a second balloting shall be held, in which the choice may be made between the two citi-

1780 See d7Cr! ft r!, blishing e'ftor, al and administrative assemblies, 22 December 1789, sec. 2, art. 6 [document 21, *infra*], ecemoer,

zens who obtained the most votes in the preceding balloting. Finally, if at this third balloting their votes are equal, the elder candidate shall be declared elected.

17. The selection of other members of the municipal body shall be made by double *scrutin de liste*.

18. In towns or communities where there are several special assemblies of active citizens, such assemblies shall be regarded only as sections of the general assembly of the town or community.

19. Accordingly, every section of the general assembly of active citizens shall have the report of its particular balloting brought to the communal or town hall . . . ; and the general result of all these statements shall be computed in the communal hall.

21. Those who, at the first balloting, obtain an absolute majority, that is to say, one-half the votes plus one, shall be elected definitively.

If at the first balloting a sufficient number of citizens is not elected by absolute majority of votes, a

second balloting shall be held; and those who obtain an absolute majority a second time shall likewise be elected definitively.

Finally, if the necessary number is not completed by the first two ballotings, a third and last shall be held; and at this one, acquisition of a relative plurality of the votes shall suffice for election.

22. The citizens who are elected members of the municipal body shall be announced by the municipal officials in office.

23. In towns where the general assembly of citizens is divided into several sections, the ballotings of such divers sections shall be examined at the communal hall as promptly as possible, so that further ballotings, if necessary, may be held on the same day or, at the latest, the next day.

24. After the elections, the active citizens of the community may not remain assembled, or reassemble in communal body, without an express convocation ordered by the general council of the commune hereinafter mentioned. Said council may not refuse it if it be requested by one-sixth of the active citizens in communities of fewer than 4,000 inhabitants, or by 150 active citizens in all other communities.

25. The members of the municipal bodies of cities, towns, parishes, and communities shall be three in number, including the mayor, when the population is fewer than 500 inhabitants; six, including the mayor, for from 500 to 3,000; nine for from 3,000 to 10,000; twelve for from 10,000 to 25,000; fifteen for

from 25,000 to 50,000; eighteen for from 50,000 to 100,000; twenty-one for more than 100,000 inhabitants. In view of its large population, the city of Paris shall be governed by a special regulation, made by the National Assembly on the same bases and according to the same principles as the general regulation for all municipalities of the kingdom.¹⁰

26. In each and every municipality there shall be a communal attorney without deliberate voice; he shall be responsible for defending the interests and prosecuting the lawsuits of the community.

27. In towns of more than 10,000 inhabitants, there shall be, moreover, a substitute for the communal attorney who shall perform the duties of the latter when he is absent.

28. The communal attorney shall be elected by the active citizens, by ballot and absolute majority of votes, in the form and according to the rules prescribed by article 15 above for the election of mayor.

29. When a substitute for the communal attorney is elected, he shall be chosen in the same manner.

30. The active citizens of each and every community shall elect, by single *scrutin de liste* and relative plurality of votes, a number of notables double that of the members of the municipal body.

31. Said notables shall constitute, with the members of the municipal body, the general council

of the commune, and they shall be summoned only for important matters as provided hereinafter.

32. In each and every municipality a secretary-registrar shall be chosen by the general council of the commune. He . . . may be replaced when the general council . . . deems it necessary by a majority vote.

33. The general council of the commune may also . . . choose a treasurer . . . Said treasurer may be replaced in the same manner as the secretary-registrar.

34. Every municipal body of more than three members shall be divided into a council and a bureau.

35. The bureau shall be composed of one-third of the municipal officials, including the mayor, who shall always be included; the other two-thirds shall constitute the council.

36. The members of the bureau shall be chosen annually by the municipal body, and may be re-elected for a second year.

37. The bureau shall be charged with all executive tasks and limited to simple administration. In municipalities where there are only three members the executive function shall be entrusted to the mayor alone.

38. The municipal council shall assemble at least once a month; it shall begin by passing upon the accounts of the bureau when necessary; and that

done, the members of the bureau shall sit and deliberate with those of the council.

39. All deliberations necessary for the performance of the functions of the municipal body shall be taken in the united assembly of the members of the council and the bureau, with the exception of deliberations relative to the examination of accounts, which, as just stated, shall be taken by the council alone.

40. The presence of at least two-thirds of the members of the council shall be necessary to admit the accounts of the bureau; and that of one-half plus one of the members of the municipal body to take other deliberations.

41. In towns of more than 25,000 inhabitants the municipal administration may divide itself into sections, depending upon the diversity of business.

42. The municipal officials and the notables shall be elected for two years and shall be renewed by one-half annually. Retirement . . . shall be determined by lot . . .

43. The mayor shall remain in office for two years; he may be re-elected for two more years; thereafter, however, he may be reelected only after an interval of two years.

44. The communal attorney and his substitute shall hold office for two years, and may be re-elected likewise for two more years; nevertheless, following the first election the substitute for the communal attorney shall perform his duties for one year only; and in all subsequent elections the

communal attorney and his substitute shall be replaced or re-elected alternately every year.

45. Upon the summons of the municipal officials, the electoral assemblies for the annual renewals shall be held throughout the kingdom on the Sunday following Martinmasday.

46. If the position of mayor or communal attorney, or his substitute, becomes vacant through death, resignation, or otherwise, a special assembly of the active citizens shall be convened to conduct a new election.

47. When a member of the municipal council dies or resigns, or is discharged or suspended from his position, or enters the municipal bureau, he shall be replaced automatically for the remainder of his term of office by the notable who received the most votes.

48. Before commencing their duties, the mayor and other members of the municipal body, the communal attorney and his substitute, if there be one, shall swear *to maintain with all their power the constitution of the kingdom, to be faithful to the nation, to the law, and to the King, and to perform their duties properly*. Such oath shall be taken before the commune at the next election, and before the municipal body at subsequent elections.

49. The municipal bodies shall have two kinds of duties to perform: the one relative to municipal power; the other relative to the general administration of the State, and delegated thereby to the municipalities.

50. The duties relative to municipal power, under the supervision and inspection of the administrative assemblies, are: management of the common property and revenues of cities, towns, parishes, and communities; regulation and payment of those local expenses which are to be paid out of common revenues; direction and fulfillment of public works supported by the community; administration of establishments belonging to the commune and maintained from its revenues or especially intended for the use of its citizens; assuring the inhabitants of the advantages of good police, especially as regards cleanliness, healthfulness, security, and order in the streets, public places, and buildings.

51. The duties relating to general administration which may be delegated to the municipal bodies, to be exercised under the authority of the administrative assemblies, are: assessment of direct taxes among the citizens who constitute the community; collection of said taxes; deposit of said taxes in the treasury of the district or department; direct administration of public works within the jurisdiction of the municipality; direct regulation of public establishments intended for general welfare; the business and supervision necessary for the preservation of public property; direct inspection of the work of repair or reconstruction of churches, parsonages, and other matters relative to the service of religious worship.

52. For the performance of the duties relative to or delegated to municipal bodies they shall have the right to demand the necessary assistance of the National Guard and other public forces, as will be more fully explained.

53. The mayor and other members of the municipal council, the communal attorney and his substitute may not perform at one and the same time municipal duties and those of the National Guard.

54. The general council of the commune, composed of the members of the municipal body and of the notables, shall be convoked whenever the municipal administration deems it advisable. It may not dispense with such convocation when deliberations are to be taken upon the acquisition or alienation of real estate, extraordinary taxes for local expenses, loans, works to be undertaken, the use of the proceeds of sales, reimbursements or collections, lawsuits to be instituted, even upon suits to be defended, in case the basis of the law is contested.

55. The municipal bodies shall be entirely subordinate to the departmental and district administrations in all matters pertaining to the duties which they are to perform by delegation from the general administration.

56. As for the performance of duties relating to the municipal power, none of the deliberations for which convocation of the general council of the commune is necessary, according to article 54 above, may be executed without the approval of the departmental administration or directory, which approval shall be given, if there be occasion, upon the recommendation of the district administration or directory.

57. All accounts of the management of the municipal bureaux, after having been received by

the municipal council, shall be verified by the district administration or directory and settled definitively by the departmental administration or directory, upon the recommendation of that of the district or of its directory.

58. In all towns of fewer than 4,000 inhabitants the accounts of income and expenditure of the municipal administration shall be printed annually.

[Art. 59 affords active citizens the right to examine documents relating to accounts.]

60. If a citizen believes himself personally injured by any act of the municipal body, he may state his reasons for complaint to the departmental administration or directory, which shall do justice thereto upon the recommendation of the district administration, which shall be responsible for verifying the facts.

61. Every active citizen may subscribe to and present against municipal officials a declaration of the administrative offences of which he claims they have rendered themselves guilty; but prior to presenting such declaration before the courts, he shall be required to submit it to the departmental administration or directory, which, after having obtained the opinion of the district administration or its directory, shall, if necessary, refer the declaration to the judges, who shall be obliged to take cognizance thereof.

62. Active citizens have the right to meet, peaceably and unarmed, in special assemblies to draw up addresses and petitions either to the municipal

body, the departmental and district administrations, the legislative body, or the King, upon condition of having notified the municipal officials of the time and place of such assemblies, and of being permitted to depute not more than ten citizens to bring and present such petitions and addresses.

[The decree is followed by an instruction on the formation, composition, and functions of municipalities—see Duvergier, v. 1, pp. 66-71.]

21. Decree Establishing Electoral and Administrative Assemblies

22 December, 1789

SOURCE: Duvergier, v. 1, pp. 73-78 [Instructions, pp. 78-89], See also: A. PM v. 11, pp. 191-195 [Instructions, pp. 195-204]; Helie, pp. 73—80; Legg, v. 2, pp. 160-168.

Supplemented by the following decree of 26 February, 1790, this decree constituted the basis of the revolutionary reorganization of the French electoral and administrative system. It indicates the Assembly's effort to achieve simplicity, uniformity, local autonomy, election of officials for a brief tenure of office, and (at least in theory) decentralization. Unfortunately, these features, the result of a zealous desire to eliminate the evils of the Old Regime, likewise denote the faults of the new system. Too many officials, too brief tenures, too frequent elections, too much self-government for a politically inexperienced people, too great a degree of decentralization, and the absence of adequate intermediate agencies between local and central

authorities—all these elements were to create problems for the future. Furthermore, the new organization was to prove expensive to inaugurate and to operate.

An important aspect of this document is the division of citizens into active and passive categories for the exercise of the franchise. Although relatively liberal in appearance, and subsequently modified before the constitution was completed, the franchise was actually restricted in favor of the propertied classes.

- 1. The kingdom shall be redivided into *departments*, for representation and for administration. Said departments shall be from seventy-five to eighty-five in number.¹⁷**
- 2. Each and every department shall be divided into *districts*, the number of which—not fewer than three or more than nine—shall be regulated by the National Assembly according to the need and convenience of the department, after the deputies of the provinces have been heard.**
- 3. Each and every district shall be divided into divisions called *cantons*, of about four square leagues (French common leagues).**
- 4. The election of representatives to the National Assembly shall be effected by departments.**
- 5. At the chief town of each and every department a superior administrative assembly shall be established under the title of *departmental administration*.**

6. At the chief town of each and every district likewise a subordinate administrative assembly shall be established under the title of *district administration*.

7. In each and every city, town, parish, or country community there shall be a municipality.¹⁸

8. The representatives elected to the National Assembly by the departments may not be regarded as representatives of a particular department, but as the representatives of the totality of the departments, that is to say, of the entire nation.

9. The members elected to the departmental administration may be regarded only as the representatives of the entire department, and not of any one district in particular.

10. The members elected to the district administration may be regarded only as the representatives of the totality of the district, and not of any one canton in particular.

11. Thus the members of the district and departmental administrations and the representatives to the National Assembly may never be recalled, and their removal may result only from an established forfeiture.

12. The primary assemblies mentioned hereinafter, and those of the electors of departmental administrations, district administrations, and municipalities shall be judges of the validity of the qualifications of those who claim admission thereto.

¹⁷ See document 22, *infra*.

¹⁸ See document 20, *supra*.

Reorganization of Local Government

I

Section 1. Of the Formation of Assemblies for the Election of

Representatives to the National Assembly

- 1. All citizens who have the right to vote shall assemble, not in parish or community assemblies, but in primary assemblies according to cantons.**
- 2. The active citizens, that is to say those possessing the qualifications hereinafter specified, alone shall have the right to vote and to unite to form primary assemblies in the cantons.**
- 3. The qualifications necessary for active citizenship are: 1st, to be a native or naturalized Frenchman; 2nd, to be over twenty-five years of age; 3rd, to be actually domiciled in the canton for at least a year; 4th, to pay a direct tax equal to the local value of three days' labor; 5th, not to be in a position of domesticity, that is to say, of hired servant.¹⁹**
- 4. The primary assemblies shall draft a list of the citizens of each and every canton, and shall inscribe thereon annually, on a designated day, all those who have attained the age of twenty-one years, after having had them take an oath of fidelity to the Constitution, to the laws of the State, and to the King. No one may be an elector or eligible in the primary assemblies when he has completed his**

twenty-fifth year unless he has been inscribed on this civic list.

5. No bankrupt, insolvent, or insolvent debtor may be admitted into the primary assemblies, or may become or remain a member of the National Assembly, or the administrative assemblies, or the municipalities.

6. The same rule shall apply with respect to children who have received and who retain, by whatever title, a portion of the property of their father who died insolvent, without paying their manful portion of his debt; excepting only married children who have received dowries before their father's insolvency, or before same was fully known.

7. Those who, being included in one of the above categories of exclusion, expunge the cause of such exclusion by paying their creditors or by paying off their manful portion of their father's debts, shall regain the rights of active citizenship, may be electors, and shall be eligible if they combine the prescribed qualifications.

8. In each and every municipality a list of the active citizens shall be drawn up and the eligibles designated therein. Said list shall include

¹⁹ See art. 19, and sec. 2, art. 6, *infra*. only citizens who possess the qualifications prescribed above, who report the act of their civic inscription according to the terms of article 4, and who, since the age of twenty-five, have sworn publicly, at the district administration before the presiding official, to maintain with all their power the Constitution of the

kingdom, to be faithful to the nation, to the law, and to the King, and to perform with zeal and courage the civil and political duties entrusted to them.

9. No citizen may exercise his right of active citizenship in more than one place, and no one may serve by proxy in any assembly.

10. Distinction by order no longer exists in France; accordingly, for the formation of the primary assemblies the active citizens shall assemble without any distinction, whatever their status and circumstances.

11. There shall be at least one primary assembly in each and every canton.

12. When the number of active citizens in a canton is fewer than 900, there shall be only one assembly in such canton; but for more than 900, two, of at least 450 each, shall be constituted.

13. Every assembly shall tend always to constitute itself, as far as possible, in the number of 600; in such manner, nevertheless, that if there are several assemblies in the canton, the smallest may be at least 450 . . .

14. In towns of 4,000 inhabitants or fewer there shall be only one primary assembly; two in those of from 4,000 to 8,000; three in those of from 8,000 to 12,000, and so on. Such assemblies shall be constituted according to quarters or *arrondissements*.

15. As soon as it is formed, each and every primary assembly shall elect its president and secretary by

individual ballot and absolute majority of votes; until such time, the oldest member shall preside over the meeting; the three oldest, after the senior member, shall collect and count the ballots in the presence of the assembly.

16. Three tellers shall then be elected in one balloting of simple *scrutin de liste* to collect and count subsequent ballots; said ballots likewise shall be collected and counted by the three oldest.

17. The primary assemblies shall elect one elector for every 100 active citizens, present or not present at the assembly, but having the right to vote therein; so that one elector shall be elected for up to 150 active citizens, two for from 151 to 250, and so on.

18. Each and every primary assembly shall choose, from among all eligible citizens of the canton, the electors whom it has the right to elect.

19. In order to be eligible in the primary assemblies, it shall be necessary to unite with the qualifications of active citizen above specified the payment of a larger direct tax, amounting to at least the local value of ten days' labor.²⁰

20. The electors shall be chosen by the primary assemblies, in one ballot, from a list of double the number of electors to be chosen.

21. Between the primary assemblies and the National Assembly there shall be only one degree of intermediate election.

22. All the electors chosen by the primary assemblies of each and every department shall unite, without distinction of status or circumstances, in a single assembly to elect the representatives to the National Assembly.

23. Said assembly of all the departmental electors shall be held alternately in the chief towns of the several districts of each department.

24. As soon as the assembly of electors is constituted, it shall elect its president, secretary, and three tellers in the form prescribed above by articles 17 and 18 for primary assemblies.

25. The representatives to the National Assembly shall be elected by individual ballot and absolute majority of votes.

If the first balloting for each representative to be elected does not determine the election by absolute majority, a second balloting shall be held.

If such second balloting still does not yield an absolute majority, a third shall be held between the two citizens recognized by the tellers and announced to the assembly as having obtained the greatest number of votes.

Finally, if at such third balloting the votes be divided equally, the elder shall be preferred.

26. The number of representatives composing the National Assembly shall be equal to the number of departments of the kingdom, multiplied by nine.

27. The number of representatives to be elected to the National Assembly shall be divided among all departments of the kingdom in proportion to territory, population, and direct taxation.

28. The first third of the total number of representatives constituting the National Assembly shall be assigned on the basis of territory, and each and every department shall name three representatives from this class.

29. The second third shall be assigned on the basis of population.

²⁰ See art. 3, *supra*, and sec. 2, art. 6, *infra*.

The sum total of the population of the kingdom shall be divided into as many parts as this second third possesses representatives; and each and every department shall elect as many representatives from this second class as it contains parts of the population.

30. The last third shall be assigned on the basis of direct taxation. The aggregate of the direct tax of the kingdom shall be divided into as many parts as there are representatives in this last third; and each and every department shall elect as many representatives from this third class as it pays portions of the direct tax.

31. The representatives elected by each departmental assembly to the National Assembly may be chosen only from among the eligible citizens of the department.

32. In order to be eligible to the National Assembly, it shall be necessary to pay a direct tax equivalent to the value of one *marc d'argent*, and, moreover, to possess some landed property.

33. The electors shall elect, by double *scrutin de liste* and relative plurality of votes, a number of substitutes, equal to one-third of that of the representatives to the National Assembly, to replace those who may die or resign.

34. The election certificate shall be the only title to office for the representatives of the nation; the liberty of their votes may not be restricted by any special mandate; the primary and electoral assemblies shall address directly to the legislative body whatever petitions and instructions they wish to send thereto.

35. After the elections are completed, the primary and electoral assemblies may neither continue their sessions nor resume them until the time of the next elections.

Section 2. Of the Formation and Organization of Administrative Assemblies

7. There shall be only one degree of intermediate election between the primary and the administrative assemblies.

2. After having elected the representatives to the National Assembly, the same electors in each and every department shall elect the members who, to the number of thirty-six, shall constitute the *departmental administration*.

3. The electors of each and every district shall then assemble at the chief town of their district, there to elect the members who, to the number of twelve, shall constitute the *district administration*.

4. The members of the departmental administration shall be chosen from among the eligible citizens of all districts of the department, in such manner, however, that there shall always be at least two members from each and every district in such administration.

5. The members of the district administration shall be chosen from among the eligible citizens of all cantons of the district.

6. In order to be eligible to the district and departmental administrations, it shall be necessary to unite with the conditions requisite for active citizenship that of paying a larger direct tax, amounting to at least the local value of ten days' labor.²¹

7. Those employed in levying indirect taxes, so long as said taxes remain in force, may not, at one and the same time, be members of departmental and district administrations.

8. Members of municipal bodies may not, at one and the same time, be members of departmental and district administrations.

9. Members of district administrations may, not at one and the same time, be members of departmental administrations.

10. Citizens occupying judicial positions and possessing the prescribed qualifications of eligibility may be members of departmental and district administrations, but they may not be elected to the directories hereinafter mentioned.

11. Members of departmental and district administrations shall be chosen by the electors, in three double *scrutins de liste*. On every balloting those who have an absolute majority shall be elected definitively, and the number of those remaining to be elected on the third balloting shall be filled by relative plurality.

12. Each and every administration, whether departmental or district, shall be permanent, and the members shall be renewed by one-half every two years, the first time by lot after the first two years of office, and thereafter by order of seniority.

13. Thus the members of the administrations will be in office for four years, with the exception of those eliminated by lot at the first renewal after the first two years.

1

For the regulation of 29 July, 1789, governing the proceedings of the Assembly see Duvergier, v. 1, pp. 30-32; for the names of the deputies see Brette, *Les constituants*; for the ministers and presidents of the Assembly see Stephens, *French Revolution*, v. 1, App. I, II, and Thompson [Am. ed.], App. C, D. Concerning the oratory of the Revolution in general and the Constituent Assembly in particular see Stephens, *Speeches*, v. 1, pp. 1-25.

2

The distinction implied here is one between servile or personal dues and contractual or real dues, the latter being deemed worthy of compensation. Unfortunately, the Assembly was unsuccessful in maintaining this distinction throughout its work on the feudal regime.

3

. 3 The right of hunting was vested in the King, who shared it with the nobles by issuing licenses; rabbit warrens, for example, could not be established without a license. Some scholars, e.g., Tocqueville [*L' regime et la Revolution*, 4th ed., Paris, 1860, pp. 462-463], maintain that hunting was a personal right not necessarily dependent upon land tenure. The emphasis placed on hunting rights in the *cahiers* indicates that they had become a grievous burden to the peasantry.

14. In each and every departmental administration there shall be a *procureur-general-syndic*, and in each and every district administration a *procureur-syndic*. These shall be elected, by individual ballot and absolute majority of votes, at the same time as the members of each and every administration and by the same electors.

15. The departmental *procureur-general-syndic* and the district *procltreurs-syndics* shall hold office for four years, and may be reelected for four more years; thereafter, however, they may be reelected only after an interval of four years.

²¹ See sec. 1, arts. 3, 19, *supra*.

16. The members of departmental and district administrations, in electing those of the directories as hereinafter stated, shall choose and designate the one of the members of the directories who, for the moment, is to take the place of the *pro* or the *pro-cureur-syndic* in case of absence, illness, or other contingency.

17. The *procureurs-generaux-syndics* and the *procureurs-syndics* shall have seats in the general assemblies of the administrations, without deliberative voice; but no reports may be made therein without their having been informed thereof, and no deliberation may be taken on such reports without their having been heard.

18. They shall have seats in the directories likewise, with consultative voice; moreover, they

shall be responsible for the continuance of all lawsuits.

19. The administrations, whether departmental or district, shall elect their presidents and secretaries by individual ballot and absolute majority of votes. The secretary may be replaced when the administration deems it advisable.

20. Each and every departmental administration shall be divided into two sections, one under the title of *departmental council*, the other under that of *departmental directory*.

21. The departmental council shall hold one session annually to establish regulations for every branch of the administration, to prescribe the work and general expenses of the department, and to receive the report of the activities of the directory. The first session may be of six weeks' duration; that of subsequent years of not more than a month.

22. The departmental directory shall be on duty at all times for the dispatch of business, and shall render an annual report of its activities to the departmental council, which report shall be printed and published.

23. The members of each and every departmental administration shall elect, at the end of their first session, eight from among themselves to be the directory; they shall renew them by one-half every two years. The president of the departmental administration may attend, and may have the right to preside at, all sessions of the directory, which, nevertheless, may choose a vice-president.

24. At the opening of every annual session, the departmental council shall begin by hearing, receiving, and passing upon the report of the activities of the directory; the members of the directory shall then take their seats and shall have deliberative voice with those of the council.

25. Each and every district administration, likewise, shall be divided into two sections, one under the title of *district council*, the other under that of *district directory*, and said directory shall be composed of four members.

26. The president of the district administration, likewise, may attend and may have the right to preside at the district directory. Said directory also may choose a vice-president.

27. Everything prescribed by articles 22, 23, and 24 above, as to the functions, form of election and renewal, the right of sitting and of deliberative voice of the members of the departmental directory shall apply to those of the district directories likewise.

28. The district administrations and directories shall be entirely subordinate to the departmental administrations and directories.

29. The district councils may hold their annual sessions for only two weeks at most, and the opening of such sessions shall precede that of the departmental council by a month.

30. The district councils shall limit their work to preparing requests to be made and matters to be submitted to the departmental administration in the

interest of the district, to devising ways and means, and to receiving the reports of the activities of their directory.

31. The district directories shall be charged with executive duties within the jurisdiction of their district, under the direction and authority of the departmental administration and its directory, and they may not effect the execution of any decrees of the district council in general administrative matters which have not been approved by the departmental administration.

Section 3. Of the Functions of Administrative Assemblies

1. The departmental administrations are charged, under the supervision of the legislative body, and by virtue of its decrees: 1st, with the assessment of all direct taxes imposed upon each and every department, which assessment shall be made by the departmental administrations among the districts of their jurisdiction, and by the district administrations among the municipalities; 2nd, with ordering and having drawn up, according to forms which are to be established, the assessment rolls of the taxpayers of each and every municipality; 3rd, with regulating and supervising everything relating to both the collection and the payment of the proceeds of such taxes, and to the service and functions of the agents responsible therefor; 4th, with ordering and with having executed the payment of the expenses assigned in each and every department upon the proceeds from said same taxes.

2. The departmental administrations shall further be responsible, under the authority and supervision of the King as supreme head of the nation and of the general administration of the kingdom, for all branches of said administration, especially with those relating: 1st, to the relief of the poor and to the policing of beggars and vagabonds; 2nd, to the supervision and improvement of the management of hospitals, *hotels-dieu*, charitable establishments and workshops, prisons, jails, and houses of correction; 3rd, to the supervision of public education and political and moral instruction; 4th, to the management and use of the funds reserved in each and every department for the encouragement of agriculture, industry, and every form of public beneficence; 5th, to the preservation of public property; 6th, to that of forests, rivers, roads, and other general matters; 7th, to the direction and preparation of transactions for the construction of highways, canals, and other public works authorized in the department; 8th, to the maintenance, repair, and reconstruction of churches and parsonages, and to other matters necessary for the service of religious worship; 9th, to the maintenance of public health, security, and order; 10th, lastly, to the service and employment of militia or National Guards, as regulated by special decrees.

3. The district administrations shall participate in all such functions within the jurisdiction of every district, but only under the interposed authority of the departmental administrations.

4. In the performance of all such duties, the departmental and district administrations shall always be required to comply with the

rules established by the constitution, and with the decrees of the legislature sanctioned by the King.

5. The deliberations of departmental administrative assemblies upon all matters concerning the conduct of the general administration of the kingdom, or upon new undertakings and extraordinary transactions, may be given effect only after having received the approval of the King. The special authorization of the King shall not be necessary for the dispatch of special business or of whatever is effected by virtue of deliberations already approved.

6. The departmental and district administrations may not establish any tax, for any purpose or under any denomination whatsoever, by assessing anyone in excess of the sums and the time determined by the legislative body, or contract any loan unless authorized thereby, except to provide for the establishment of suitable means to procure the funds necessary for the payment of local debts and expenses, and for imperative and urgent needs.

7. In the performance of their administrative duties they may not be affected by any act of the judicial power.

8. From the day of the formation of the departmental and district administrations the present provincial Estates, provincial assemblies, and subordinate assemblies shall remain suppressed, and shall cease their functions entirely.

9. There shall be no intermediary between the departmental administrations and the supreme

executive power. The allotted commissioners, the intendants and their subdelegates shall cease all functions as soon as the departmental administrations have entered upon active duty.

10. In provinces which hitherto have had a common administration and which are divided into several departments, each and every departmental administration shall appoint two commissioners, who shall meet together to effect the liquidation of debts contracted under the previous regime, to determine the assessment of such debts among the several parts of the province, and to conclude former business. Account thereof shall be rendered to an assembly composed of four other commissioners, appointed by each departmental administration.

[Then follows an instruction, issued 8 January, 1790, containing an expansion of the details of this decree (Duvergier, v. 1, pp. 78-89).]

22. Decree Dividing France into Departments

26 February, 1790

SOURCE: Duvergier, v. 1, pp. 102-110. See also: A. P., v. 11, pp. 716-724. REFERENCE: Thompson [Am. ed.] App. E.

This enactment was designed to complete the first three articles of the preceding document. The departments were to be sufficiently numerous to vitiate the localism of the former provinces and to lessen the possibility of the assumption of too much power by any section of the country. In addition, they were to be sufficiently small to facilitate administration and the exercise of the franchise_ the

chief towns were not more than a day's journey from any section of the department. With due deference to "natural philosophy," the departments received appropriate geographical names. It is significant that the departments still remain the basic local units of France.

France shall be divided into eighty-three departments, to wit: ²²

TITLE I

GENERAL ARTICLES

1. The free choice of chief towns and sites of divers establishments, reserved to the electors of several departments or districts by sundry decrees of the National Assembly sanctioned by the King, shall take

²² A few of the more well known names in this document have been Anglicized. the form of deliberation thereon and of proposing to the National Assembly, or to subsequent legislatures, whatever appears most consistent with the general interest of the persons under administration and jurisdiction.

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3. When a river is indicated as a boundary between two departments or two districts, the middle of the river bed is to be the boundary line, and the two directories are to co-operate in the administration of said river.

4. The division of the kingdom into departments and districts is decreed, for the time being, for the

exercise of the administrative power only; and the former divisions relative to the collection of taxes and to the judicial power shall continue until otherwise ordered. The provisions relative to towns designated as seats of courts are subject to whatever may be decreed concerning the judicial order.

[At this point in the text printed in A. P. (v. 11, pp. 716-717), there appears a paragraph concerning petitions for royal sanction, and providing that the constitutional committee name the departments.] t

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TITLE II

DIVISION OF THE KINGDOM

[Title II deals with the departments individually and in alphabetical order. The substance of this Title is contained in the following list of the departments, their chief towns, and the number of districts in each department. The final selection of chief towns was not completed until 11 October, 1795 (see law of 19 Vende-miaire, Year IV—Duvergier, v. 8, pp. 312-318). For convenience, the chief towns hereinafter listed are those of the 1795 settlement, and where some other town was originally chosen for the interim, such town is indicated in parentheses.]

<i>Department</i>	<i>Chief Town</i>	<i>Districts</i>
1. Ain	Bourg	9

2. Aisne	Laon (Chauny)	6
3. Allier	Moulins	7
4. Alpes (Basses)	Digne	5
5. Alpes (Hautes)	Gap (Cherges)	4
6. Ardecche	Privas	7
7. Ardennes	Mezieres	6
8. Ariege	Foix	3
9. Aube	Troyes	6
10. Aude	Carcassone	6

<i>Department</i>	<i>Chief Town</i>	<i>Distrl</i>
11. Aveyron	Rodez	9
12. Bouches-du-Rhone	Aix	6

13. Calvados	Caen	6
14. Cantal	Aurillac (Saint-Flour)	4
15. Charente	Angouleme	6
16. Charente-Inferieure	Saintes	7
17. Cher	Bourges	7
18. Correze	Tulle	4
19. Corsica	Pieve-d'Orezza	9
20. Cotes-d'Or	Dijon	7
21. Cotes-du-Nord	Port-Brieux, formerly Saint-Brieux	9
22. Creuse	Gueret	7
23. Dordogne	Perigueux	9
24. Doubs	Besangon	6

25. Drome	Valence (Chabeuil)	6
26. Eure	Evreux	6
27. Eure-et-Loir	Chartres	6
28. Finistere	Quimper	9
29. Gard	Nimes	8
30. Garonne (Haute)	Toulouse	8
31. Gers	Auch	6
32. Gironde	Bordeaux	7
33. Herault	Montpellier	4
34. Ile-et-Vilaine	Rennes	9
35. Indre	Chateauroux	6
36. Indre-et-Loire	Tours	7

37. Isere	Grenoble (Moirans)	4
38. Jura	Lons-le-Saulnier	6
39. Landes	Mont-de-Marsan	4
40. Loir-et-Cher	Blois	6
41. Loire (Haute)	Le Puy	3
42. Loire-Inferieure	Nantes	9
43. Loiret	Orleans	7
44. Lot	Cahors	6
45. Lot-et-Garonne	A gen	9
46. Lozere	Mende	7
47. Maine-et-Loire	Angers	8

48. Manche	Saint-Lo (Coutance)	7
49. Marne	Chalons-sur-Marne	6
50. Marne (Haute)	Chaumont	6
51. Mayenne	Laval	7 ft
52. Meurthe	Nancy	y 8
53. Meuse	Bar-sur-Ornain (Bar)	A
54. Morbihan	Vannes	9 ft
55. Moselle	Metz	y
56. Nièvre	Nevers	9
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<i>Department</i>	<i>Chief Town</i>	<i>Districts</i>

57. Nord	Douai	8
58. Oise	Beauvais	9
59. Orne	Alençon	6
60. Pas-de-Calais	Arras (Aire)	8
61. Puy-de-Dôme	Clermont	8
62. Pyrenees (Basses)	Oleron (Navarreins)	6
63. Pyrenees (Hautes)	Tarbes	5
64. Pyrenees-Orientales	Perpignan	3
65. Rhin (Bas)	Strasbourg	4
66. Rhin (Haut)	Colmar	3
67. Rhone-et-Loire	Lyon	6
68. Saone (Haute)	Vesoul	6

69. Saone-et-Loire	Macon	7
70. Sarthe	Le Mans	9
71. Seine [Originally Paris]	Paris	3
72. Seine-et-Mame	Melun	5
73. Seine-et-Oise	Versailles	9
74. Seine-Inferieure	Rouen	6
75. Sevres (Deux)	Niort	6
76. Somme	Amiens	5
77. Tarn	Castres	5
78. Var	Brignoles (Toulon)	9
79. Vendee	Fontenayrle-Peuple	
	(Fontenay-le-	6

	Comte)	
80. Vienne	Poitiers	6
81. Vienne (Haute)	Limoges	6
82. Vosges	Epinal	9
83. Yonne	Auxerre	6 1

VI. REORGANIZATION OF THE LEGAL SYSTEM

Following constitutional legislation on local government, the Assembly turned to the problem of reorganizing the legal system, an interesting accompaniment of which was the abolition of the nobility (23). The Assembly was rich in legal scholars, and there was much to be done. The first major portion of the work was completed in August, 1790 (24), and during the ensuing months many supplementary items were added. A Code of Criminal Procedure was brought to completion on 16 and 29 September, 1791, a Penal Code on 25 September, 1791, and a Rural Code on 28 September, 1791. Decrees of 12 October, 1790, and 6 March, 1791, provided that the old regulation of 1667 governing civil procedure should prevail until such time as other provision could be made; but-only preliminary work was done on a Civil Code—that was to remain a complex and unsolved problem until the genius of Napoleon effected its creation.

23. Decree Abolishing Hereditary Nobility and Titles

19 June, 1790

SOURCE: **Duvergier, v. 1, pp. 217-218. See also: A, P., v. 18, pp. 104-110;**

Helie, pp. 146-158; Legg, v. 2, pp. 180-182.

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The abolition of the nobility does not constitute an integral part of the revolutionary reorganization of the judicial system, but it is introduced at this point because of its implications. The August 4th decrees had reduced the nobility to little more than a name. Yet, in keeping with the revolutionary movement against privilege, demands for its total extinction continued. On 15 March, 1790, in supplementing the legislation of 4 August, the Assembly abolished “all honorary distinctions . . . deriving from the feudal system.” And on 19 June, 1790, it took the final logical step by passing the accompanying decree.

Some of the details of the document may seem to have justified Mirabeau’s denunciation of it as “sheer insanity”; but it must be remembered that there could be little hope of achieving equality before the law so long as social distinctions, however innocuous, were recognized in any form.

*** * ***

1. Hereditary nobility is abolished forever; accordingly, the titles of prince, duke, count, marquis, viscount, *vidame*, baron, knight, *messire*,

squire, noble, and all other similar titles shall neither be accepted by nor bestowed upon anyone whomsoever.

2. A citizen may assume only his real family name; no one may wear liveries or have them worn, or have coats of arms; incense shall be burned in the churches only to honor the Divinity, and shall not be offered to any person whomsoever.

3. The titles of *monseigneur* and *messeigneurs* shall not be bestowed upon any group or individual; likewise, the titles of excellency, highness, eminence, grace, etc.; but no citizen may be permitted, under pretext of the present decree, to attack the monuments placed in churches, the charters, titles, and other documents concerning families or properties, or the decorations in any public or private place; and the execution of the provisions relative to liveries and coats of arms placed upon carriages may not be effected or required by anyone whomsoever until 14 July for citizens living in Paris, and until three months hence for those living in the provinces.

4. The present decree does not apply to foreigners; they may preserve their liveries and coats of arms in France.

24. Decree Reorganizing the Judiciary

16 August, 1790

SOURCE: Duvergier, v. 1, pp. 310-333. See also: A. P., v. 18, pp. 104-110; Helie, pp. 146-158; Legg, v. 2, pp. 180-192.

REFERENCES: **Brissaud, J. B.**, *A History of French Public Law*, tr. from the French by **James W. Garner** (Boston, 1915), and *A History of French Private Law*, tr. from the 2nd French ed. by **Rapelje Howell** (Boston, 1912); **Seligman, Edmond**, *La justice en France pendant la Revolution (1789-1795)*, 2 v. (Paris, 1913), v. 1.

The essentials of this decree were ultimately incorporated in the Constitution, for it embodies the main principles and practices of the revolutionary reorganization of the judiciary. Apart from the emergency measures of the Terror, it served, with modifications, as the basis of the administration of law in France until supplanted by Bonaparte's enactment of 18 March, 1800.

Outstanding features of the decree are the adherence to the idea of the separation of powers, the introduction of free and equal justice for all, the elective judiciary, trial by jury, emphasis on arbitration, the establishment of commercial courts, the broad powers granted to the Justices of the Peace, and the obvious attempt to achieve simplicity and uniformity in legal matters.

Defects likewise are apparent—too many judges, premature introduction of the elective principle, the lack of adequate appellate courts, failure to provide for anything approximating a Supreme Court to decide disputes among the departments and to interpret the constitution, limitation of the powers of the King's representatives at the courts, the granting of too much police power to the municipalities, and the abolition of the right of pardon.

Before the Constitution was completed, the scheme here outlined was amplified considerably. On 25 August, 1790, the Paris courts were organized; decrees of 7 September and 7 October, 1790, provided for administrative jurisdiction; on 27 November, 1790, a Court of Cassation was established for the country as a whole; on 20 January, 1791, a criminal court was created for each department; and a decree of 10 May, 1791, constituted a National High Court for trials of treason. ¹

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T I T L E I

OF ARBITERS

1. Since arbitration is the most reasonable means of terminating disputes among citizens, the legislatures may not make any provision tending to impair either the privilege or the efficacy of compromise.

2. All persons enjoying freedom of rights and actions may name one or more arbiters to pass upon their private interests, in all cases and on all matters without exception.

...

4. Appeal from arbitral decisions shall not be permitted unless the parties, by mutual agreement, have expressly reserved the right to appeal.

...

6. Arbitral decisions from which there is no appeal shall be rendered executory simply by an ordinance of the president of the district court . . .

TITLE II

OF JUDGES IN GENERAL

7. Justice shall be rendered in the name of the King.

2. Venality of judicial offices is abolished forever; judges shall render justice gratuitously and shall be paid by the State.

3. Judges shall be elected by the persons subject to their jurisdiction.

4. They shall be elected for six years; at the expiration of said term a new election shall be held, at which time the same judges may be re-elected.²⁴

[Article 5 provides for the election of substitute judges.]

²⁴ This article was abrogated by a decree of 22 September, 1792.

6. The judges and substitutes elected . . . shall receive from the King letters patent sealed with the Seal of State . . .

7. The letters patent shall be worded as follows:

“Louis, etc.

The electors of the district of having presented us with the *proces-verbal* of the election, held in

conformity with the constitutional decrees, of the person of *sieur* ___ to fill during six years an office of judge of the district of_, we have declared and do declare that the said *sieur*_ is judge of the district of_, that honor is due him in such capacity, and that the public force shall be employed, in case of necessity, for the execution of judgments in which he concurs, after having taken the required oath and been duly installed.”

8. The official entrusted with the duties of public prosecutor shall be appointed for life by the King, and, as in the case of judges, may be removed only because of forfeiture duly determined by competent judges.^{[2](#)}

9. No one may be elected judge or substitute or entrusted with the duties of public prosecutor unless he is fully thirty years of age and has been a judge or lawyer practicing publicly before a court for five years.^{[3](#)}

10. The courts may not take any part, directly or indirectly, in the exercise of the legislative power, or, on penalty of forfeiture, obstruct or suspend the execution of decrees of the legislative body sanctioned by the King.

11. They shall be required to have the laws that are sent to them transcribed ... in a special register, and published within a week.

12. They may not make regulations, but they shall appeal to the legislative body, whenever they deem it necessary, either to interpret a law or to make a new one.

13. Judicial functions are distinct, and shall always remain separate, from administrative functions. Judges may not, under penalty of forfeiture, interfere with the operations of the administrative bodies in any manner whatsoever, or summon administrators on charges connected with their duties.

14. In every civil or criminal matter the arguments, reports, and judgments shall be public, and every citizen shall have the right to defend his case in person, either orally or in writing.⁴

15. Trial by jury shall take place in criminal cases; examination shall be made publicly . . .

16. Every privilege in the matter of jurisdiction is abolished; all citizens shall plead, without distinction, in the same manner and before the same judges in similar cases.

17. The constitutional order of jurisdictions may not be disturbed or persons removed from their natural judges ... by other competences . . . than those determined by law.

18. Since all citizens are equal before the law and every preference for rank and for time of trial is an injustice, all suits, according to their nature, shall be tried, when they have been examined, in the order according to which trial has been requested by the parties concerned.

19. The civil laws shall be reviewed and reformed by the legislatures; and a general code of laws,

simple, clear, and in harmony with the Constitution, shall be drafted.

20. The Code of Civil Procedure shall be reformed immediately, in such manner as to render it more simple, more expeditious, and less costly.

21. The Penal Code shall be reformed immediately, in such manner that penalties may be proportionate to offences; taking care that they be moderate, and not losing sight of this maxim of the Declaration of the Rights of Man, that *the law is to establish only penalties that are strictly and obviously necessary.*

TITLE III

OF JUSTICES OF THE PEACE⁵

1. There shall be a justice of the peace and *prud'hommes assessesurs* of the justice of the peace in each and every canton.

2. If there are in the canton one or more cities and towns the population of which exceeds 2,000 inhabitants, such cities or towns shall have a justice of the peace and special *prud'hommes*. Cities and towns of more than 8,000 inhabitants shall have the number of justices of the peace determined by the legislative body on the basis of information provided by the departmental administrations.

3. The justice of the peace may be chosen only from among citizens eligible to departmental and district administrations, and fully thirty years of age, without other condition of eligibility.²⁹

4. The justice of the peace shall be elected, by individual ballot and absolute majority of votes, by the active citizens united in primary assemblies. . . .

[Articles 6 and 7 deal with the election of *assesseurs* and *prud'hommes asses-seurs*.]

8. The justice of the peace and the *prud'hommes* shall be elected for two years, and may be re-elected.

9. The justice of the peace, assisted by two *assesseurs*, shall have cognizance with them, without appeal, of all purely personal and personal property cases up to the value of fifty and subject to appeal up to the value of 100 *livres*: ... the legislatures may increase the amount of such cognizance.

10. He shall have cognizance, likewise without appeal, up to the value of fifty *livres*, and subject to appeal, to whatever value the suit may amount:

1st, of actions for damages done by either men or animals to fields, fruits, and crops;

2nd, of derangements of boundaries, appropriations of lands, trees, hedges, ditches, and other enclosures, perpetrated within the year, of undertakings affecting water courses which serve for the watering of meadows, committed likewise within the year, and of all other possessory actions;

3rd, of tenant repairs of houses and farms;

4th, of indemnities claimed by farmer or tenant for nonpossession when the right of indemnity is not

contested, and of alleged damages by the proprietor;

5th, of the payment of salaries of workmen, the wages of domestics, and the execution of the respective obligations of masters and their domestics or workers;

6th, of actions for verbal injuries, brawls, and assault which are not provided for by criminal law.

11. When there is reason for affixing seals, it shall be done by the justice of the peace, . . .

²⁸ The age limit was reduced to twenty-five by a decree of 16 September, 1792.

He shall admit family deliberations for the naming of guardians and trustees for absentees and unborn children, and for the emancipation and trusteeship of minors, and all deliberations to which the person, estate, or affairs of minors or absentees may give rise, pending the duration of the guardianship or trusteeship;

In all cases he may receive the oaths of guardians and trustees.

12. Appeal from judgments of justices of the peace, when they are subject to appeal, shall be brought before the district judges and judged by them in the last resort . . .

If the justice of the peace dies within two years of taking office, a new election shall be held at once; and in case of temporary incapacity, one of his *assesseurs* shall take his place.

TITLE IV

OF JUDGES OF FIRST INSTANCE

1. In each and every district a court shall be established composed of five judges, with whom there shall be an official entrusted with the duties of public prosecutor. There shall be four substitute judges . . .

2. In districts where there is a city of more than 50,000 inhabitants, the number of judges may be increased to six when the legislative body recognizes the necessity therefor . . . Said six judges shall be divided into two chambers, which shall judge concurrently cases of first instance and appeals from decisions of justices of the peace.

3. The judge elected first shall preside; and in courts which are divided into two chambers the judge elected second shall preside in the second chamber.

4. District judges shall have cognizance in the first instance of all personal, real, and mixed suits of every kind, excepting those above declared to be within the competence of justices of the peace, commercial suits in districts where there are no commercial courts, and disputed points of municipal police.

5. The district judges shall have cognizance in first and last resort of all personal and personal property suits up to the value of 1,000 *livres* of principal, and of real estate suits of which the principal item is fifty *livres* of fixed income, in either rent or lease price.

6. In all personal, real, or mixed suits, whatever the sum or value of the object of dispute, the parties shall be required to declare at the outset of the proceedings whether they consent to be judged without appeal, and again during the course of the investigation they shall enjoy the privilege of agreeing thereon, in which case the district judges shall pronounce in the first and last resort.

7. When the district court has cognizance, either in first instance subject to appeal or of appeal from decisions of justices of the peace, three judges may pass verdict; and when it has cognizance in all other cases in the last resort, either by appeal from another district court, as stated in the following title, or in the case of article 4 above, four judges may pass verdict.

TITLE V

OF JUDGES OF APPEAL

1. The district judges shall be judges of appeal with regard to each other, according to the conditions determined in the following articles.

2. When there is an appeal from a judgment, the parties may agree upon one court among those of all the districts of the kingdom to which to refer the cognizance thereof, and they shall give the clerk their declaration thereon, signed by them or by their special legal representatives.

3. If the parties are unable to agree upon the choice of a court, it shall be determined according to the forms hereinafter prescribed.

[Articles 4-13 provide for the contingency mentioned in Article 3.]

14. After all parties have been heard, no appeal from a judgment may be served either before one week, dating from the day of the judgment, or after the expiration of three months, dating from the day of notification of the judgment made to a person or a residence. Said two time limits are indispensable, and failure to observe them shall entail forfeiture of the appeal. Accordingly, the execution of judgments not provisionally executory shall be suspended for one week.

15. The draft of judgments, both of appeal and in first instance, shall contain four distinct parts:

In the first, the names and status of the parties shall be given;

In the second, the questions of fact and of law constituting the suit shall be stated with exactitude;

In the third, the substance of the facts recognized or established by the investigation and the motives determining the judgment shall be expressed;

Finally, the fourth shall contain the terms of the judgment.

TITLE VI

OF THE FORM OF ELECTIONS

1. In order to proceed to the election of judges, the electors of the district, convoked by the *procureur-syndic*, shall meet on the day and at the place

indicated by the convocation; and after having constituted the electoral assembly in the forms prescribed by section 1, article 24 of the decree of 22 December last,⁶ they shall elect the judges by individual ballot and absolute majority of votes.

2. Electors chosen by the preceding primary assemblies who are members of administrative bodies may participate as electors in the election of judges.

3. When it is time to renew the judges after the term of six years, the electors shall be convoked four months before the expiration of the sixth year, so that all elections may be held and the *procès-verbaux* presented to the King two months before the end of said sixth year.

4. If for any reason¹ whatsoever the renewal of the judges of a court be delayed beyond six years, the judges in office shall be required to continue their duties until their successors are inducted.

TITLE VII

OF THE INSTALLATION OF JUDGES

1. When the elected judges have received letters patent from the King, they shall be installed as follows.

...

3. The judges . . . shall take an oath to the nation and to the King, before the members of the general council of the commune delegated therefor by the Constitution, and in the presence of the assembled

commune, to maintain with all their power the Constitution of the kingdom, decreed by the National Assembly and accepted by the King, to be faithful to the nation, to the law, and to the King, and to perform with exactitude and impartiality the duties of their offices.

4. After said oath is taken, the members of the general council of the commune . . . shall install the judges, and in the name and on behalf of the people shall pronounce the promise *to maintain for the court and the judgments thereof the respect which every citizen owes the law and its agencies.*

5. Before being admitted to the performance of their duties, the officials entrusted with the duties of public prosecutor shall be received by and shall take the oath before the judges.

6. The justices of the peace shall be required, before commencing their duties, to take the same oath as the judges, before the general council of the commune of the place of their domicile.

TITLE VIII

OF THE PUBLIC MINISTRY

1. The officials entrusted with the duties of public prosecutor are *agents of the executive power* at the courts; their duties consist of having the laws relative to general order enforced in judgments rendered, and of having such judgments executed. They shall bear the name of *Commissioners of the King.*⁷

2. In civil cases the Commissioners of the King shall perform their ministry only by summons and not by action . . .

3. They shall be heard in all cases concerning wards, minors, interdicts, and married women, and in those where the property and rights of either the nation or a commune are concerned. They shall be responsible, moreover, for protecting undefended absentees.

4. The Commissioners of the King shall not be public prosecutors, but they shall be heard in all indictments entered and prosecuted, according to the manner which the National Assembly reserves the right to determine. During the course of the inquiry they shall require regularity of forms, and, before judgment, the application of the law.

6. The Commissioner of the King at each and every court shall supervise the maintenance of discipline and the regularity of business in the court, according to the manner to be determined by the National Assembly.

7. None of the Commissioners of the King may be a member of the administrative bodies, directories, or municipal bodies.

TITLE IX

OF CLERKS

1. The clerks shall be elected, by ballot and absolute majority of votes, by the judges, who shall deliver a commission to them and receive their oath. They

may not be relatives of, or related fewer than three degrees removed from, the judges who choose them.

2. In each and every court there shall be a clerk, at least twenty-five years of age, who shall be required to present to the judges, and to have admitted to oath, one or more assistants, likewise at least twenty-five years of age, . . .

3. The clerks shall be required to furnish a bond of 12,000 *livres* in real property, which shall be received by the judges.

4. They shall be elected for life, and may be removed only for conviction of prevarication.

5. The *secrétaire-greffier*, whom the justice of the peace may appoint, shall take oath before him, and shall be exempted from bond. He likewise shall be irremovable.

TITLE X

OF PEACE BUREAUX AND THE FAMILY COURT

1. In all matters exceeding the competence of the justice of the peace, said justice and his assistants shall constitute a bureau of peace and conciliation.

2. No principal civil action shall be received before district judges between parties domiciled in the jurisdiction of the same justice of the peace, in either town or country, unless the plaintiff presents, at the head of his writ, a copy of a certificate of the bureau of peace attesting that his opponent has been summoned in vain before such bureau, or that it has mediated without success.

3. In the event that the two parties appear before the bureau of peace, it shall draft a summary report of their statements, admissions, or denials on points of fact; said report shall be signed by the parties, or, on their request, mention shall be made of their refusal.

4. In every town where there is a district court, the general council of the commune shall form a bureau of peace composed of six members, chosen for two years from among citizens esteemed for their patriotism and integrity, of whom at least two shall be lawyers.

5. No principal civil action may be accepted in the district court between parties domiciled in jurisdictions of different justices of the peace unless the plaintiff presents a copy of a certificate of the bureau of peace of the district, as provided in article 2 above; and if the parties appear, a summary *proces-verbal* of their statements, admissions, or denials on points of fact likewise shall be drafted by the bureau, which *proces-verbal* likewise shall be signed by them, or mention shall be made of their refusal.

7. Appeal from judgments of district courts shall not be received unless the appellant has served a copy of the certificate of the bureau of peace of the district where the case was tried, stating that the opposing party has been summoned in vain before such bureau to be reconciled on the appeal, or that it has mediated without success.

8. The bureau of peace of the district shall at the same time be a bureau of charitable jurisprudence,

responsible for examining the affairs of the poor who present themselves there, giving them advice, and defending their cases or having them defended.

9. The service rendered by lawyers in bureaux of peace and charitable jurisprudence shall be the equivalent of the public practice of their profession at the courts, and the time shall be counted towards eligibility for judicial positions.

10. Every appellant whose appeal is considered unfounded shall be sentenced to a fine of nine *livres* for appeal from a decision of a justice of the peace, and of sixty *livres* for appeal from a judgment of the district court; and such fine may not be remitted or modified under any pretext.

The same shall apply likewise to appellees who have not appeared before the bureau of peace when the decision is reversed; and it shall be double against those who, having appealed without presenting themselves before the bureau of peace and obtaining the certificate thereof, are considered thereby as having no right of action.

11. The revenue from such fines . . . shall be used in the service of the bureaux of charitable jurisprudence.

12. If any dispute arise between husband and wife, father and son, grandfather and grandson, brothers and sisters, nephews and uncles, or between kinsmen of the above degrees, as also between wards and their guardians in matters relative to wardship, the parties shall be required to appoint kinsmen or, in their default, friends or neighbors, as

arbiters, before whom they shall explain their difference and who. after having heard them and having obtained the necessary information, shall render a decision with justification therefor.

13. Each of the parties shall select two arbiters; and if one of them refuses, the other may apply to the judge, who, after having authenticated the refusal, shall appoint official arbiters for the refusing party. When the four arbiters find themselves divided in opinion, they shall choose an extra arbiter to break the deadlock.

14. Any party believing himself injured by arbitral decision may appeal to the district court, which shall pronounce in the last resort.

15. If a father or mother, or a grandparent or guardian has good reasons for dissatisfaction with the conduct of a child or ward whose faults he or she can no longer correct, he or she may bring his or her complaint to the domestic court of the family assembled to the number of the eight nearest relatives, or at least six if it is not possible to assemble a greater number thereof; and in default of relatives, friends or neighbors will suffice.

16. The family court, after having established the reasons for complaint, may decree that the child, if less than twenty-one years of age, shall be confined for a time not to exceed one year in the most serious cases.

17. The family decree may be executed only after having been presented to the president of the district court, who shall order or refuse the

execution, or modify the provisions thereof, after having heard the Commissioner of the King, who is responsible for verifying ... the family's motives.

TITLE XI

JUDGES

1. The municipal bodies shall look after and supervise the execution of police laws and regulations within the municipalities, and shall have cognizance of litigation to which such execution may give rise.

2. The communal attorney shall prosecute officially contraventions of police laws and regulations; nevertheless, any citizen who suffers an injustice or personal jeopardy may bring action in his name.

3. The police powers assigned to the vigilance and authority of municipal bodies are:

1st, Whatever concerns security and convenience of passage in public streets, quays, squares, and roads; whatever concerns cleaning, illuminating, removing of obstructions, the demolishing or repairing of dilapidated buildings, prohibiting the exposure at windows or other parts of buildings of anything that might fall; and whatever concerns the throwing of anything that might injure or endanger passers-by or cause harmful vapors;

2nd, The work of repressing and punishing offences against public order, such as brawls and disputes accompanied by street riots, tumult incited in places of public assembly, and nocturnal noises and gatherings which disturb the repose of citizens;³²

3rd, The maintenance of order in places where there are large gatherings of people, such as fairs, markets, public celebrations and ceremonies, theatres, games, cafes, churches, and other public places;

4th, The inspection of accuracy in the sale of commodities that are sold by weight, standard, or measure, and of the wholesomeness of comestibles exposed for public sale;

5th, The work of preventing by suitable precautions, and of terminating by the distribution of necessary aid, accidents and distressing calamities, such as fires, epidemics, and epizootic . . . ; 6th, The work of preventing or remedying unfortunate occurrences which might be occasioned by insane or mad persons left at liberty, and by the straying of destructive or ferocious animals.

4. Public performances may be permitted or authorized only by municipal officials. . . .

5. Contraventions of police regulations may be punished only by one of two penalties: either by condemnation to a pecuniary fine; or by imprisonment for a time which, in the most serious cases, may not exceed three days in rural districts and a week in the towns.

6. Appeals from judgments in police matters shall be taken to the district court; but such judgments shall be executed provisionally, notwithstanding appeal and without prejudice thereto.

7. The municipal officials are specially charged with dispersing assemblages and common riots, in

conformity with the provisions of martial law, and they are responsible for negligence in such connection.³³

TITLE XII

OF JUDGES IN MATTERS OF COMMERCE

1. A commercial court shall be established in towns where the departmental administration deems it necessary and drafts a request therefor.

2. Said court shall have cognizance, without discrimination, of all suits involving commerce on land or on sea.

3. A special regulation shall be made to determine exactly the extent and limits of the competence of commercial judges.

4. Said judges shall pass, in the last resort, upon all claims the value of which does not exceed 1,000 *livres*; all their decisions shall be provisionally executory, notwithstanding appeal under bail, to whatever sum or value the sentence may amount.

5. Imprisonment for debt shall continue to be applied in the execution of all their decisions. . . .

6. Each and every commercial court shall be composed of five judges; they may not render any judgment unless at least three of them are present.

7. The commercial judges shall be elected in an assembly of merchants, bankers, tradesmen, manufacturers, shipowners and ship captains of the city where the court is established.

8. Said assembly shall be convoked, one week in advance, by means of posters and public announcement, by the acting *juges-consul* wherever they are established at present; and for the first time in places where a new establishment is to be made, by the municipal officials.

9. No one may be elected judge of a commercial court unless he has resided and engaged in business for at least five years in the town where the court is established, and is fully thirty years of age. To be president, one must have engaged in business for ten years and must be thirty-five years of age.

10. The election shall be conducted by individual ballot and absolute majority of votes; and when the president is to be elected, the special object of such election shall be announced before proceeding to ballot.

11. Judges of the commercial court shall hold office for two years; the president shall be renewed by a special election every two years; the other judges shall be elected annually by half. For the first renewal the two who received fewest votes shall retire at the expiration of the first year; the others shall then retire in order of seniority.

12. The commercial judges established in one of the towns of a district shall have cognizance of commercial cases throughout the entire extent of the district.

13. In districts where there are no commercial judges, the district judges shall have cognizance of all matters of commerce, and shall judge them in the

same manner as the commercial judges. Their decisions, likewise, shall be without appeal up to the sum of 1,000 *livres*, executory notwithstanding appeal above 1,000 *livres* under bail, and with imprisonment for debt in all cases.

14. In cases brought before commercial courts the parties shall have the privilege of agreeing to be judged without appeal, in which case the commercial judges shall pronounce in first and last resort.

VII. PROBLEMS IN FINANCE AND TAXATION³⁴

Throughout the period of the Constituent Assembly problems of finance and taxation strained the ingenuity of ministers and deputies to the utmost.

In finance the principal accomplishment was the attempted re-establishment of public credit on the basis of lands taken from the Church (25). The lands were not immediately realizable, however, and their sale would take time and would require the establishment of some means of assessing their value and arranging for their disposal. Nevertheless, necessity soon forced the Assembly to place some of the lands on sale. To expedite and facilitate the process, it issued a decree, 19 December, 1789, whereby the security was used as a basis for the issue of a new kind of bond, the *assignats*, administered by a Special Bank (*Caisse de l'Extraordinaire*). For many reasons, fulfillment of the anticipations of the creators of the *assignats* was not immediate; hence, to stimulate sales they were transformed into legal tender (26). This inaugurated the practice of forced currency (with its

accompanying inflation) which was to characterize the financial history of the entire Revolution.

In the realm of taxation the major work consisted of declaring equality in taxation, eliminating the former indirect taxes, and introducing new direct ones.

³⁴ On finances see: Bloch, *Monnaie*, pp. 1-41 *passim*, 42-141, 507-514 [pp. 31-40 give the financial agencies of the Revolution]; Brissaud, *History of French Public Law* pp. 473-527 [cited in references to document 24, *supra*]; see also references cited for document 26, *infra*.

On taxation see: Bloch, pp. 1-59 *passim*, 61-326, 1007-1074 [pp. 50-57 give the taxation agencies of the Revolution]. P;86 tne

Of these last named, there were three types: a *contribution fondere* on land was created on 23 November, 1790, and became effective on 1 January, 1791 a *contribution mobiliere* on personal property was added by a decree of 13 January, 1791, and was retroactive as of the 1st of the month; and on 2 March, 1791, *patentes* on commerce and industry were substituted for *aides*, and came into effect on 1 April following. These three taxes remained the basis of the tax system throughout the Revolution. The *fonciere* continued, virtually without change, until 1798; the *mobiliere* was frequently modified; and the *patentes*, although suppressed in 1793, were revived in 1795.

The outstanding features of the fiscal work of the Constituent Assembly were the reorganization of the

Treasury, the transfer of financial control to the legislature, and, on 26 May, 1791, the establishment of a Civil List for the King.

On the whole, the financial endeavors of the Assembly were not successful. Inadequate tax returns, the costs of liquidating the old regime and inaugurating the new, the irregularities engendered by the Revolution, and the development of a fiat money policy left France in 1791 with a larger debt and deficit than had faced the Estates General in 1789, 25. Decree Confiscating Church Property 2 November, 1789

SOURCE: Duvergier, v. 1, pp. 54-55. See also: A. P., v. 9, p. 649; C. and G., p. 323; Helie, p. 55; Legg, v. 1, p. 159.

To opponents of the Church, this law appeared a means of depriving a reactionary corporation of one of its chief sources of power. To those concerned primarily with financial expedients, it seemed a desirable method of providing revenue for the State. To the average Frenchman, it appeared a threat to his faith.

Some time was to pass before actual confiscation took place. When it did, it gave rise to additional financial problems and to the complications concomitant with the maintenance of religion and the services previously performed by the Church.

*** * ***

The National Assembly decrees:

1st, That all ecclesiastical property is at the disposal of the nation, upon condition of providing in a suitable manner for the expenses of worship, the maintenance of its ministers, and the relief of the poor, under the supervision and according to the instructions of the provinces; . . .

2nd, That in the provision to be made for the maintenance of ministers of religion, *not less than 1,200 livres per annum* be assured for the endowment of each and every living, exclusive of lodgings and gardens pertaining thereto.

26. Decree on *Assignats*

17 April 1790

SOURCE: Duvergier, v. 1, pp. 147-148. See also: A. P., v. 13, pp. 85, 89-91; B. and R., v. 5, pp. 321-324; Bloch, *Monnaie*, pp. 46-48; Legg, v. 1, pp. 211-214; *Moniteur*, 10 April, 1790, Rep., v. 4, pp. 79-80.

REFERENCES: Gottschalk, pp. 164-165, gives a convenient table of the depreciation of the *assignats*. For further information see: Caron, Pierre, ed., *Tableaux de depreciation du papier-monnaie* (Paris, 1909); Harris, S. E., *The Assignats* (Cambridge, Mass., 1930); White, A. D., *Fiat Money Inflation in France*, new ed. (Toronto, 1914). On the *biens nationaux* see Caron, Pierre, and Duprez, Eugene, ed., *Recueil des textes legises et administrates concernant les biens nationaux*, v. 1 (Paris, 1926).

This enactment indicated the assumption by the State of the obligations of the Church, and the nationalization of the Church property. More Crown

property and property belonging to *emigres* were subsequently added, and the whole ultimately became known as *national* property (*biens nationaux*). Furthermore, as already indicated, this decree transformed the *assignats* into legal tender.

The *assignats* represented one of the shrewdest financial manipulations ever devised—at least on paper. The State acquired the security by appropriation; on the basis of that security it issued bonds for cash; the bonds were redeemable only in the very lands which originally served as security; and, after redemption, the paper was to be destroyed. By distributing the “stolen goods” a body of “receivers” was ultimately created, became “party to the theft,” and was *ipso facto* bound to the Revolution.

* * *

1. Dating from the present year the debts of the clergy will be considered as national debts; the public treasury shall be responsible for paying the interest and the principal thereof.

The nation declares that whosoever give proof of having legally contracted with the clergy, and hold contracts of revenues assigned thereto, are considered creditors of the State. Accordingly, the nation appropriates and mortgages to them all property and revenues at its disposal, as in the case of all its other debts.

2. Ecclesiastical property sold or alienated by virtue of the decrees of 19 December, 1789, and 17 March last³⁵ is absolved and freed

³⁵ The first of these decrees [Duvergier, v. 1, pp. 72-73] provided for a Special Bank which was to administer the *assignats* issued against the Church lands; the second decree [*ibid.*, v. 1, p. 123] dealt with the alienation of property. from every mortgage of the legal debt of the clergy with which it was formerly burdened, and no opposition to the sale of such property may be permitted on the part of the said creditors.

3. The *assignats* created by the decree of 19 and 21 December, 1789,³⁶ and sanctioned by the King, shall be legal tender among all persons throughout the entire extent of the kingdom, and shall be received as coin of the realm in all public and private banks.

4. Instead of the annual five per cent interest assigned thereon, only three per cent shall be granted, dating from 15 April of the present year; and the reimbursements, instead of being deferred until the times stated in the said decrees, shall take place successively by lot as soon as a sum of 1,000,000 in money is realized on the bonds given by the municipalities for the property they have acquired, and in proportion to the returns from the patriotic contribution for the years 1791 and 1792. If the payments have been made in *assignats*, such *assignats* shall be publicly burned, as hereinafter prescribed, and only a register of their numbers shall be kept.

5. The *assignats* shall be from 200 *livres* to 1,000 *livres* in value. Interest shall be computed daily; the *assignat* of 1,000 *livres* shall be worth one *sou* eight

deniers per day; that of 300 *livres*, six *deniers*; that of 200 *livres*, four *deniers*.

6. Every day an *assignat* shall be worth its principal plus the accrued interest, and it shall be accepted for such sum. At the end of the year the last bearer shall receive the sum total of the interest, payable on a stated day by the Special Bank in Paris as well as in the various towns of the kingdom.

7. In order to avoid all discussion over payments, the debtor shall always be obliged to pay the difference, and accordingly to procure the legal money necessary to settle exactly the sum he owes.

8. The *assignats* shall be numbered; statement of the daily interest shall be indicated in the margin, and their form shall be regulated in the safest and most convenient manner for circulation, as shall be ordered.

9. Until the sale of the designated national domains is effected, their revenues shall be deposited without delay in the Special Bank, to be used, after making deduction for charges, in the payment of interest on the *assignats*. The bonds of municipalities for the property acquired shall be deposited there likewise, and, in proportion to the returns in cash from the sales which the said municipalities make of such property, said money shall be deposited therein without delay

³⁰ See note 35, *supra*. and without exception, and their proceeds and that of the loans they make, according to the obligations they have assumed with the National Assembly, may not be used under any

pretext, except for the payment of interest on the assignats and for their reimbursement.

10. The *assignats* shall bear with them a mortgage, special privilege, and delegation, both on the revenue and on the price of the said property; . . .

11. The 400,000,000 of *assignats* shall be used primarily for the exchange of notes of the Discount Bank, up to the amount of the sums due it by the nation, for the amount of notes it has remitted to the public treasury by virtue of the decrees of the National Assembly.

The surplus shall be deposited successively in the public treasury, for liquidating anticipations at their maturity and for reducing by a half year the interest in arrears on the public debt.

12. All bearers of notes of the Discount Bank shall have such notes exchanged for *assignats* of the same amount at the Special Bank before 15 June next; and at whatever time they present themselves during said interval, the *assignats* they receive shall always bear interest to their profit, dating from 15 April; but if they appear after 15 June, their interest shall be deducted from 15 April to the day of presentation.

13. Dating from the said 15 April, the interest assigned to the Discount Bank on the totality of *assignats* to be delivered thereto shall cease . . .

14. The *assignats* at five per cent, which the Discount Bank gives proof of having negotiated before the date of the present decree, shall not be legal tender, but shall be paid off promptly at

maturity, unless the bearers prefer to exchange them for specie *assignats*. Those in the hands of the administrators of the Discount Bank shall be remitted to the Special Bank, to be burned in the presence of commissioners who are appointed by the National Assembly and who shall draw up a report thereon.

15. The renewal of anticipations on ordinary revenue shall cease entirely, dating from the present decree, and *assignats* or promises of *assignats* shall be given in payment to bearers of said anticipations at their maturity.

16. Pending the printing of the *assignats*, the receiver of the Special Bank is authorized until the issue of the *assignats*, to endorse, under the supervision of two commissioners from the Assembly, the notes of the Discount Bank destined to be sent into the provinces only, by inscribing thereon the words *promise to furnish assignats*, and the said promises shall be accepted as *assignats*, upon condition that they be endorsed again by those who transmit them into the provinces and have them circulated therein.

All the said promises shall be withdrawn immediately after the printing of the *assignats*.

17. A plan for administration of the Special Bank shall be presented immediately to the National Assembly by the Committee on Finance to expedite the execution of the present decree.³⁷

VIII. PROBLEMS IN ECONOMIC

REORGANIZATION ³⁸

Apart from finance, taxation, and the manorial regime, the economic activities of the Constituent Assembly may be considered under “agriculture,” “commerce,” and “industry.”

In addition to the settlement of the feudal dues and a redistribution of land, the Assembly’s agricultural work included provision for internal free trade in grain and restriction of its export abroad, declaration of the principle of freedom of property, and, as already indicated, the creation of a Rural Code.

In commerce, its efforts to create a national closed economy, free from internal obstacles, produced a single tariff which applied only to the external frontiers (27). These efforts also were accompanied by a movement in the direction of uniformity of weights and measures, discussion of which is left for later chapters.

The principal contribution in industrial legislation was the disestablishment of corporate structures (28).

1

Additional departments were created during the course of the Revolution. Some were the result of subdividing existing departments: in 1793 Corsica was divided into Golo (chief town Bastia) and Liamone (Ajaccio) [Duvergier, v. 6, pp. 79-80]; and Rhone-et-Loire was divided into Rhone (Lyons) and Loire (Montbrison) [A. P., v. 79, pp. 488-489].

Others were the result of the application of an annexationist policy which first appeared towards the close of the Constituent Assembly. Annexed principalities provided the following departments: in 1792, Mont-Blanc (Chambery) from Savoy [Duvergier, v. 5, pp. 59-60]; in 1793, Alpes-Maritimes (Nice) from Nice and Monaco [*ibid.*, v. 5, p. 139], Mont-Terrible (Porentroy) from the district of Porentroy [*ibid.*, v. 5, p. 209], and Vaucluse (Avignon) from Avignon and the Comtat-Venaissin [*ibid.*, v. 5, pp. 358-359, and document 59, *infra*]; and in 1798, Lemane (Geneva) from Geneva [*Moniteur*, 28 August, 1798, Rep., v. 29, p. 358]. With the exception of that of Lemane, the chief towns cited above are as of the 1795 settlement.

By 1799, therefore, there were ninety departments. French military successes contributed to the formation of nine “external” departments in 1795 [Duvergier, v. 8, pp. 300-301]. The eight which were created out of Belgium were: Dyle (Brussels); Escout (Gand); Lys (Bruges); Jemappes (Mons); Sambre-et-Meuse (Namur); Ourte (Liege); Meuse-Inferieure (Maestricht); and Deux-Nethes (Anvers). One, Forets (Luxembourg), was created from Luxembourg. Further additions and modifications were to take place during the Napoleonic Era.

2

See Title VIII, art. 1, *infra*.

3

Article 9 was abrogated by the decree of 22 September, 1792.

4

Special attorneys were provided for litigants by a decree of 29 January, 1791. These attorneys were suppressed by a decree of 24 October, 1793.

5

A supplementary regulation concerning Justices of the Peace was issued on 18 October, 1790.

6

Document 21, *supra*.

7

These commissioners were suspended on 18 August, 1792. A decree of 17 September, 1791, provided for special criminal prosecutors.

At all times the Assembly endeavored to provide means of encouraging all forms of economic activity, but, in the long run, its economic program was adversely affected by circumstances which obstructed the application of reforms and over which the legislators had little control.

³⁷ A decree of 28 November, 1790, provided for the publication of an annual financial statement.

³⁷ REFERENCES: Bourgin, pp. 241-260 *passim*. 261-302; Caron, pp. 1-27 *passim*, 31-36; Schmidt, pp. 1-29 *passim*. 31-114; Schmidt, *Industrie*, *passim*. 261-302; Caron, pp. 32-67

See also: Clough, S. B., *France, a History of National Economics, 1789-1939* (New York, 1939); Bogart, E. L., *Economic History of Europe, 1760-1939* (London and New York, 1942).

27. Decree Providing for a Uniform Tariff

31 October, 1790

SOURCE: Duvergier, v. 1, pp. 443-444. See also: A. P., v. 20, pp. 133-136, 167-168; *Moniteur*, 1 and 2 November, 1790, Rep., v. 6, pp. 256, 262-263; Schmidt, pp. 40—42.

REFERENCE: General schedule issued on 2 March, 1791 [Duvergier, v. 2, pp. 215-230],

The numerous internal duties and customs and the inadequate external tariffs of the Old Regime constituted a serious obstacle to commercial enterprise. Demands for protection and for

standardization of rates, as well as a need for revenue, resulted in this decree, which completed the process of liquidating the system of *douanes* and provided a uniform tariff. This has been appraised as the most important economic contribution of the Constituent Assembly.³⁹

³⁹ See Schmidt, p. 8.

The tariff included both export and import duties, and served as a basis for similar legislation under the Convention and the Directory. It resulted in virtual abrogation of the Anglo-French Treaty of Eden (1786) which had produced a reaction against the principles of free trade and in favor of nationalist protectionism.

Most of the sections here omitted deal with local or obscure taxes, or with placement of the officials administering the decree.

*** * ***

The National Assembly, considering that commerce is the source of all agricultural and industrial development and strength, and that it may function effectively only in so far as it enjoys adequate liberty; considering that it is now handicapped by innumerable obstacles, that the present customs duties established under divers denominations at the boundaries separating the former provinces of the kingdom, regardless of their capacity and needs, disturb, by the method of their collection as well as by their rigor, not only commercial speculations but even individual liberty; that they render different parts of the State foreign to one another; that they

restrict consumption, thereby harming the production and increase of national wealth, decrees as follows;

1. Dating from 1 December next, all customs duties and all bureaux established in the interior of the kingdom for the collection thereof . . . are abolished.

2. The suppression pronounced by the preceding article shall include likewise the special fees of *abond* and *consommation* ... as well as the fees . . . collected on wines and other beverages from abroad, without any changes being made for the present in those of the said fees due on beverages exported or passing from areas of *aides into those exempt therefrom, and vice versa*, which shall continue to be collected until the time of replacement or modification of rights of *aides*.

3. Dating likewise from 1 December next, the special tariffs of 1664, 1667, and 1671 . . . ,⁴⁰ and all other tariffs serving for the collection of fees on the [commercial] relations of the divers parts of the kingdom with one another and with foreign lands, shall cease to be enforced and shall remain annulled . . .

⁴⁰ i.e., the essentials of Colbert's system.

Said tariffs and fees shall be replaced by a single, uniform tariff, which shall be decreed immediately, and the fees of which shall be subject to collection dating from 1 December next on all imports and exports of the kingdom save the exceptions, bonded warehouses, and transit duties recognized

as necessary and determined immediately according to reports to be made thereon to the National Assembly.

4. To assure the execution of the above articles, officials shall be provided immediately under the title of Superintendents of the Police of External Commerce and of the Bureaux, . . .

7. Until the promulgation of the new tariff and the new code of customs duties, the present tariffs and the laws thereon shall continue to be enforced.

8. The departmental assemblies, the chambers of commerce, and all merchants of the kingdom may direct, both to the National Assembly and to the administration, memoirs and observations stating the interests of agriculture, commerce, and industry with respect to the effects of the new tariff and possible changes therein, without prejudice, however, to the execution of the law.

9. The King shall be requested to sanction the present decree, and, in order to assure its prompt execution, to entrust it to seven special administrators, among whom His Majesty shall be requested to include the members of the general *ferme* who have co-operated with the Committee on Agriculture and Commerce in the work on customs duties.

28. The “Chapelier” Law

14 June, 1791

SOURCE: Duvergier, v. 3, p. 22. See also: A. P., v. 27, pp. 210-211; *Moniteur*, 15 June, 1791, Rep., v. 8, p. 662

[last part is different from Duvergier's text ; B. and R., v. 10, pp. 195-197 [same text as *Moniteur*]; Helie, pp. 254-256; Schmidt, *Industrie*, pp. 51—52.

In March, 1791, the Assembly abolished corporations of masters and vocational monopolies, upon condition of compensation, and substituted licenses (*patentes*) as a regulative device and a source of revenue. Industrial disturbances in Paris soon prompted extension of the principle to workers' organizations through the accompanying decree, which derives its name from its sponsor.

By denying the right to organize or to strike, the Assembly left the workers at the mercy of their employers. The principles enunciated in this document remained the basis of French law on workers until the middle of the nineteenth century. They were applied in substance to agricultural workers in the Rural Code of 28 September, 1791. Despite this legislation, however, workers' organizations continued to flourish as mutual benefit societies.

* * *

1. Since the abolition of all kinds of corporations of citizens of the same occupation and profession is one of the fundamental bases of the French Constitution,^{[41](#)} re-establishment thereof under any pretext or form whatsoever is forbidden.

2. Citizens of the same occupation or profession, *entrepreneurs*, those who maintain open shop, workers, and journeymen of any craft whatsoever may not, when they are together, name either

president, secretaries, or trustees, keep accounts, pass decrees or resolutions, or draft regulations concerning their alleged common interests.

3. All administrative or municipal bodies are forbidden to receive any address or petition in the name of an occupation or profession, or to make any response thereto; and they are enjoined to declare null whatever resolutions have been made in such manner, and to make certain that no effect or execution be given thereto.

4. If, contrary to the principles of liberty and the Constitution, some citizens associated in the same professions, arts, and crafts hold deliberations or make agreements among themselves tending to refuse by mutual consent or to grant only at a determined price the assistance of their industry or their labor, such deliberations and agreements, whether accompanied by oath or not, are declared unconstitutional, in contempt of liberty and the Declaration of the Rights of Man, and noneffective; administrative and municipal bodies shall be required so to declare them. The authors, leaders, and instigators who have provoked, drafted, or presided over them shall be cited before the police court, at the request of the communal attorney, each condemned to a fine of 500 *livres*, and suspended for a year from the enjoyment of all rights of active citizenship and from admittance to the primary assemblies.

5. All administrative and municipal bodies are forbidden, on penalty of their members' being responsible therefor in their own names, to employ, admit, or allow to be admitted to their professions,

in any public works, those *entrepreneurs*, workers, or journeymen who have provoked or signed the said deliberations or conventions, unless, of their own accord, they have presented themselves to the registrar of the police court to retract or disavow them.

6. If the said deliberations or convocations, posted placards, or circular letters contain any threats against *entrepreneurs*, artisans, workers, or foreign day laborers working there, or against those who are satisfied with a lower wage, all authors, instigators, and signatories of such acts or writings shall be punished with a fine of 1,000 *livres* each and imprisonment for three months.

7. Those who use threats or violence against workers who are utilizing the liberty granted to labor and to industry by the constitutional laws shall be subject to criminal prosecution, and shall be punished according to the rigor of the laws as disturbers of the public peace.

8. All assemblies composed of artisans, workers, journeymen, day laborers, or those incited by them against the free exercise of industry and labor appertaining to every kind of person and under all circumstances arranged by private contract, or against the action of police and the execution of judgments rendered in such connection, as well as against public bids and auctions of divers enterprises, shall be considered as seditious assemblies, and as such shall be dispersed by the depositaries of the public force, upon legal requisitions made thereupon, and shall be punished according to all the rigor of the laws concerning

authors, instigators, and leaders of the said assemblies, and all those who have committed assaults and acts of violence.

IX. ECCLESIASTICAL REORGANIZATION⁴²

In addition to the reforms already mentioned, and apart from the completion of the Constitution, the most notable remaining contributions of the Constituent Assembly were made in ecclesiastical reorganization. Of these the outstanding features were the recognition of religious liberty and equality (29), the disestablishment of monastic houses (30), the transformation of the French Church into a department of the State (31, 32), and attempts to meet the ensuing opposition (33, 34).

Instead of solving the religious problems, however, the actions of the Assembly alienated the support of millions of devout Frenchmen, and left later assemblies an unhappy legacy of religious counter-revolution.

29. Grant of Religious Liberty to Protestants

24 December, 1789

SOURCE: Duvergier, v. 1, p. 89. See also: C. and G., p. 359; Helie, p. 93. [Cf. A. P., v. 10, p. 782, and *Moniteur*, 25 December, 1789, Rep., v. 2, p. 471.]

REFERENCES: Baird, H. M., *The Huguenots and the Revocation of the Edict of*

***Nantes*, 2 v. (New York, 1895); Lucien-Brun, Henry, *La condition des juifs en France depuis 1789*, 2nd ed. (Paris, n. d.).**

In anticipation of the application of the decrees on local government, proposals were made that no one should be excluded from the polls because of religion. Opposition developed from those who feared that the unpopularity of the Alsatian Jews might occasion disturbances. Accordingly, when the legislation was drafted it applied only to non-Catholic Christians, who numbered about a million.

' The document may be regarded as the realization of the objectives of the stillborn Edict of Toleration of 1787 (one of the most important accomplishments of the Assembly of Notables of that year), the application of which had been precluded by the events of 1788 and 1789. It may also be considered as the logical fulfillment of article 6 of the Declaration of the Rights of Man.

Subsequent provision was made concerning Protestant property confiscated in the seventeenth century; and in 1790 and 1791 the 60,000 Jews of the South and of Alsace received similar recognition.

* * *

⁴² REFERENCES: **Aulard, F. V. A.**, *Christianity and the French Revolution*, tr. from the French by Lady Una Frazer (Boston, 1927); **Debidour, Antonin**, *Histoire des rapports de l'église et de l'état en France de 1789 a 1870* (Paris, 1898); **Galton, A. H.**, *Church and State in France, 1300-1907* (London, 1907); **Jervis, W. H. P.**, *The Gallican Church and the Revolution* (London, 1882); **La Gorce, Pierre de**, *Histoire religieuse de la Revolution frangaise*, 5 v. (Paris, 1909-1923); **Sciout, Ludovic**, *Histoire de la constitution civile du clerge (1790-1801)*, 4 v. (Paris, 1872-1881); **Sloane, W. M.**, *The French*

Revolution and Religious Reform; . . . 1789 to 1804 (New York! 1901); Theiner, P. A., ed., Documents inedites relatifs aux affaires religieuses de la

France, 1790-1800, 2 v. (Paris, 1857). See also references accompanying document 29, infra.

The National Assembly, without intending anything prejudicial to Jews, on whose status it reserves the right to pronounce, and in order that no reasons for exclusion, other than those deriving from constitutional decrees, may be opposed to the eligibility of any citizen, has decreed as follows:

1st, Non-Catholics who have fulfilled all the requirements prescribed in preceding decrees of the National Assembly for electors and eligibility⁴³ may be elected to all governmental offices, without exception.

⁴³ *See documents 20, 21, supra. charitable establishments, until a decision has been reached concerning such matters.*

2nd, Non-Catholics, like other citizens, are eligible to all civil and military positions.

30. Decree Prohibiting Monastic Vows in France

13 February, 1790

SOURCE: Duvergier, v. 1, p. 100. See also: B. and R., v. 4, p. 399; *Moniteur*,

14 February, 1790, Rep., v. 3, p. 363; C. and G., pp. 337-338; Helie, p. 97. Cf. A. P., v. 11, p. 591. [B. and

R., *Moniteur*, and Helie give the document in four articles.]

During the Old Regime monasticism had declined in France. Several orders had been abolished, and some of the *cahiers* had advocated further suppressions. On 28 October, 1789, the taking of vows was suspended, and finally they were prohibited entirely by the present decree. Congregations which did not require vows, however, were not affected. Moreover, the adequate provision made for those monastics who wished to remain in their houses rendered the liquidation relatively painless. Many monks returned to a “worldly” existence, and in general no extensive protest was made against the action of the Assembly.

*** * ***

1. The constitutional law of the kingdom shall no longer recognize solemn monastic vows of persons of either sex. Accordingly, the regular orders and congregations in which such vows have been taken are and shall remain suppressed in France, and no similar ones may be established henceforth.

2. All individuals, of either sex, at present in monasteries and religious houses may leave them by making their declaration before the local municipality, and they shall be provided for immediately by a suitable pension. Similarly, houses shall be indicated to which monks who do not wish to take advantage of the provision of the present article shall be required to retire. Moreover, no change shall be made for the present with regard to houses in charge of public education and

3. Nuns may remain in the houses where they are at present, and they shall be expressly excepted from the article obliging monks to unite several houses into one.

31. The Civil Constitution of the Clergy

12 July, 1790

SOURCE: Duvergier, v. 1, pp. 242-248 [lacks tables]. See also: A. P., v. 17, pp. 55-60 [includes table of bishops]; Legg, v. 2, pp. 169-179 [includes tables],

REFERENCES: For additional articles see decree of 15 November, 1790 [Duvergier, v. 2, pp. 24-25]; and supplementary instructions of 21 January, 1791 [*ibid.*, v. 2, pp. 176-177]. See also documents 15 and 17, *supra*.

The “Civil Constitution” represented the final step in the State’s assumption of maintenance of the Church. Unfortunately, it alienated the King and a great body of clergy and laity, and produced a schism which lasted until the Napoleonic settlement of 1801-1802.

Had the Assembly made a pretense of consulting the Pope or proposing a concordat, or had the Pope indicated his position, the consequences might have been less serious. But the deputies, convinced of their right to take such action, did not consider that they might be infringing upon doctrinal matters which the Church considered as wholly within its sphere.

Items of great significance in the document are the reorganization of the episcopal structure, the

introduction of the elective principle, the new salary scale, and the continuation of the long-standing French tradition of opposition to ultramontanism.

As in the case of the decree concerning the departments, some of the more common place names have been Anglicized.

*** * ***

The National Assembly, having heard the report of its Ecclesiastical Committee, has decreed and does decree the following as constitutional articles.

TITLE I

OF ECCLESIASTICAL OFFICES

1. Each and every department shall constitute a single diocese, and each and every diocese shall have the same extent and limits as the department.

2. The episcopal sees of the eighty-three departments of the kingdom shall be established as follows:

[Then follows the list of episcopal sees, as indicated in the table hereinafter cited.]

<i>Department</i>	<i>Episcopal See</i>	<i>Department</i>	<i>Episcopal See</i>
1. Seine-Inferieure	Rouen	43. Indre	Chateauroux

2. Calvados	Bayeux	44. Creuse	Gueret
3. Manche	Coutances	45. Allier	Moulins
4. Orne	Seez	46. Nièvre	Nevers
5. Eure	Evreux	47. Gironde	Bordeaux
6. Oise	Beauvais	48. Vendée	Lugon
7. Somme	Amiens	49. Charente-Inferieure	Saintes
8. Pas-de-Calais	Saint-Omer	50. Landes	Dax
9. Marne	Rheims	51. Lot-et-Garonne	Agen
10. Meuse	Verdun	52. Dordogne	Perigueux
11. Meurthe	Nancy	53. Corrèze	Tulle
12. Moselle	Metz	54. Haute-Vienne	Limoges

13. Ardennes	Sedan	55. Charente	Angouleme
14. Aisne	Soissons	56. Deux-Sevres	Saint-Maixent
15. Nord	Cambrai	57. Haute-Garonne	Toulouse
16. Doubs	Besangon	58. Gers	Auch
17. Haut-Rhin	Colmar	59. Basses-Pyrenees	Oleron
18. Bas-Rhin	Strasbourg	60. Hautes-Pyrenees	Tarbes
19. Vosges	Saint-Diez	61. Ariege	Pamiers
20. Haute-Saone	Vesoul	62. Pyrenees-Orientales	Perpignan
21. Haute-Mame	Langres	63. Aude	Narbonne
22. Cote-	Dijon	64. Aveyron	Rhodez

d'Or			
23. Jura	Saint-Claude	65. Lot	Cahors
24. Ile-et-Vilaine	Rennes	66. Tarn	Alby
25. Cotes-du-Nord	Saint-Brieux	67. Bouches-du-Rhone	Aix
26. Finistere	Quimpers	68. Corsica	Bastia
27. Morbihan	Vannes	69. Var	Frejus
28. Loire-Inferieure	Nantes	70. Basses-Alpes	Digne
29. Maine-et-Loire	Angers	71. Hautes-Alpes	Embrun
30. Sarthe	Mans	72. Drome	Valence
31. Mayenne	Laval	73. Lozere	Mende

32. Paris	Paris	74. Gard	Nimes
33. Seine-et-Oise	Versailles	75. Herault	Beziers
34. Eure-et-Loir	Chartres	76. Rhone-et-Loire	Lyons
35. Loiret	Orleans	77. Puy-de-Dome	Clermont
36. Yonne	Sens	78. Cantal	Saint-Flour
37. Aube	Troyes	79. Haute-Loire	Puy
38. Seine-et-Marne	Meaux	80. Ardeche	Viviers
39. Cher	Bourges	81. Isere	Grenoble
40. Loir-et-Cher	Blois	82. Ain	Belley
41. Indre-et-Loire	Tours	83. Saone-et-Loire	Autun

42. Vienne	Poitiers		
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All bishoprics in the eighty-three departments of the kingdom which are not included by name in the present article are and shall forever remain suppressed.

The kingdom shall be divided into ten metropolitan districts, the seats of which shall be Rouen, Rheims, Besangon, Rennes, Pans, Bourges, Bordeaux, Toulouse, Aix, and Lyons. The metropolitan sees shall have the following denominations.

[The names given are listed in the following table.]

Metropolitan District--Name

- 1. Rouen--Channel Coasts**
- 2. Rheims--North-East**
- 3. Besangon--East**
- 4. Rennes--North-West**
- 5. Paris--Paris**
- 6. Bourges--Center**
- 7. Bordeaux--South-West**
- 8. Toulouse--South**
- 9. Aix--Mediterranean Coasts**
- 10. Lyons--South-East**

[Article 3 indicates the dioceses to be included in each metropolitan district.

They are as follows.]

- 1. Channel Coasts: Seine-Inferieure, Calvados, Manche, Ome, Eure, Oise, Somme, Pas-de-Calais.**
- 2. North-East: Marne, Meuse, Meurthe, Moselle, Ardennes, Aisne, Nord.**
- 3. East: Doubs, Haut-Rhin, Bas-Rhin, Vosges, Haute-Saone, Haute-Marne, Cote-d'Or, Jura.**
- 4. North-West: Ille-et-Vilaine, Cotes-du-Nord, Finistere, Morbihan, Loire-Inferieure, Maine-et-Loire, Sarthe, Mayenne.**
- 5. Paris: Paris, Seine-et-Oise, Eure-et-Loir, Loiret, Yonne, Aube, Seine-et-Marne.**
- 6. Center: Cher, Loir-et-Cher, Indre-et-Loire, Vienne, Indre, Creuse, Allier, Nièvre.**
- 7. South-West: Gironde, Vendee, Charente-Inferieure, Landes, Lot-et-Garonne, Dordogne, Correze, Haute-Vienne, Charente, Deux-Sevres.**
- 8. South: Haute-Garonne, Gers, Basses-Pyrenees, Hautes-Pyrenees, Ariège, Pyrenees-Orientales, Aude, Aveyron, Lot, Tarn.**
- 9. Mediterranean Coasts: Bouches-du-Rhone, Corsica, Var, Basses-Alpes, Hautes-Alpes, Drome, Lozere, Gard, Herault.**

10. South-East: Rhone-et-Loire, Puy-de-Dome, Cantal, Haute-Loire, Ardeche, Isere, Ain, Saone-et-Loire.

4. No church or parish of France, and no French citizen, may, under any circumstances or on any pretext whatsoever, acknowledge the authority of an ordinary bishop or archbishop whose see is established under the name ⁴⁴ of a foreign power, or that of its delegates residing in France or elsewhere; without prejudice, however, to the unity of faith and communion, which shall be maintained with the Visible Head of the Universal Church as hereinafter provided.

5. When the diocesan bishop in his synod has pronounced a decision on matters within his competence, appeal may be brought to the archbishop, who shall make his decision in the metropolitan synod.

6. A new organization and division of all parishes of the kingdom shall be undertaken immediately, upon the advice of the diocesan bishop and the district administrations; the number and extent thereof shall be determined according to rules to be established.

7. The cathedral church of each and every diocese shall be restored to its original status by the suppression of parishes and the redistribution of dwellings which it is deemed suitable to unite thereto, and it shall be at one and the same time the parochial and the episcopal church.

8. The episcopal parish shall have no other immediate pastor than the bishop. All priests established therein shall be his vicars, and shall perform the duties thereof.

9. There shall be sixteen vicars of the cathedral church in cities of more than 10,000 inhabitants, but only twelve where the population is fewer than 10,000 inhabitants.

10. In each and every diocese one seminary only shall be preserved or established for preparation for orders, without intending any prejudice for the present with regard to other houses of instruction and education.

11. The seminary shall be established near the cathedral church whenever possible, and even within the precincts of the buildings intended for the dwelling of the bishop.

12. For the direction and instruction of young pupils received into the seminary there shall be a superior vicar and three directing vicars subordinate to the bishop.

13. The superior and directing vicars shall be required to be present with the young ecclesiastics of the seminary at all offices of the cathedral parish, and to perform therein all duties with which the bishop or his first vicar shall see fit to entrust them.

14. The vicars of cathedral churches, together with the superior and directing vicars of the seminary, shall constitute the customary and permanent council of the bishop, who may perform no act of jurisdiction with respect to the government of the

diocese and the seminary until he has deliberated therewith. The bishop may issue, however, in the course of his visits, such provisional ordinances as are necessary.

25. In all cities and towns of not more than 6,000 inhabitants there shall be only one parish; other parishes shall be suppressed and united with the principal church.

16. In cities of more than 6,000 inhabitants every parish may include a greater number of parishioners, and as many parishes shall be preserved or established as the needs of the people and the localities require.

27. The administrative assemblies, in concert with the diocesan bishop, shall indicate to the next legislature the parishes and annexes or chapels of ease in town and country which it is fitting to preserve, extend, establish, or suppress; and they shall indicate the limits thereof according to the needs of the people and the different localities, and as befits the dignity of religion.

20. All titles and offices, other than those mentioned in the present constitution, dignities, canonries, prebends, half prebends, chapels, chaplaincies, in both cathedral and collegiate churches, and all regular and secular chapters of either sex, abbeys and priories, regular or *in commendam*, of either sex, and all other benefices and *prestimonies* in general, of whatever kind and under whatever denomination, are abolished and suppressed dating from the day of publication of the present decree, and similar ones may never be established.

*** * ***

24. Endowments for masses and other services now performed in parochial churches by the *cures* and by priests attached thereto, without being provided with their places in perpetual title of benefice, shall continue provisionally to be maintained and paid as heretofore; nevertheless, in churches where societies of priests not provided with perpetual titles of benefice are established . . . those who die or retire may not be replaced.

25. Endowments for the education of relatives of the founders shall continue to be administered in conformity with the provisions stated in the articles of foundation; and with regard to all other pious endowments, the interested parties shall present statements to the departmental assemblies, in order that, upon their advice and that of the diocesan bishop, the legislative body may make laws concerning their preservation or replacement.

TITLE II

OF APPOINTMENT TO BENEFICES

1. Dating from the day of publication of the present decree, appointments to bishoprics and cures are to be made by election only.

2. All elections shall be by ballot and absolute majority of votes.

3. The election of bishops shall take place according to the form prescribed by, and by the electoral body designated in, the decree of 22

December, 1789,⁴⁵ for the appointment of members of the departmental assembly.

4. As soon as the departmental receives news of a vacancy in an episcopal see, owing to death, resignation, or other cause, he shall notify the district *procureurs-syndics* to convoke the electors who effected the last election of members of the administrative assembly; and at the same time he shall indicate the day on which the election of the bishop shall take place, which shall be not later than the third Sunday after his letter of notification.

5. If the vacancy in the episcopal see occurs during the last four months of the year in which the election of members of the departmental administration is to take place, the election of the bishop shall be deferred and assigned to the next assembly of electors.

6. The election of the bishop may take place or be initiated only on a Sunday, in the principal church of the chief town of the department, following the parochial mass, at which all electors are required to be present.

7. To be eligible for a bishopric, one must have performed for at least fifteen years the duties of ecclesiastical ministry in the diocese, in the capacity of *cure*, officiating minister or vicar, or as superior or directing vicar of the seminary.⁴⁶

8. Bishops whose sees are suppressed by the present decree may be elected to bishoprics now vacant, as well as to those which become vacant hereafter or which are established in some

departments. even if they have not been in office fifteen years.

⁴⁵ Document 21, *supra*.

⁴⁶ A decree of 7 January. 1791, reduced this term to five years.

9. Cures and other ecclesiastics who, as a result of the new division of dioceses, find themselves in a new diocese, shall be considered to have performed their duties in such diocese, and accordingly shall be considered eligible there, provided that, in addition, they have fulfilled the requirement of tenure specified above.

10. Present cures who have been in office for ten years in a living of the diocese may also be elected, even though they have not previously performed the duties of vicar.

11. The same rule shall apply with regard to cures whose parishes have been suppressed by virtue of the present decree, and the interval since the suppression of their cure shall be counted towards their period of tenure.

12. Missionaries, vicars-general of bishoprics, ecclesiastics officiating in hospitals or in charge of public education shall likewise be eligible when they have performed their duties for fifteen years, dating from their promotion to the priesthood.

13. All dignitaries, canons, or generally all incumbents and titularies obligated to residence or performing ecclesiastical duties, and whose benefices, titles, offices, or employments are

suppressed by the present decree, are likewise eligible if they have been in office for fifteen years, computed as in the case of *cures* in the preceding article.

14. Proclamation of those elected shall be made by the president of the electoral assembly, in the church where the election was held, in the presence of the people and the clergy, and before beginning the solemn mass which is to be celebrated on such occasion.

15. The *proces-verbal* of the election and of the proclamation shall be sent to the King by the president of the assembly of electors to inform His Majesty of the choice that has been made.

16. Not later than a month subsequent to his election, the bishop-elect shall present himself in person to his metropolitan bishop; and if elected to the metropolitan see, to the oldest bishop of the

arrondissement, with the *proces-verbal* of the election and proclamation, and shall request him to grant canonical confirmation.

17. The metropolitan or the senior bishop shall have the right to examine the bishop-elect, in the presence of his council, concerning his doctrine and morals. If he considers him qualified, he shall give him canonical institution; if he believes it his duty to refuse, the reasons for such refusal shall be given in writing, signed by the metropolitan bishop and his council, reserving to the interested parties the right to appeal by writ of error as provided hereinafter.

18. The bishop from whom confirmation is requested may not exact of the bishop-elect any oath other than profession of the Catholic, Apostolic, and Roman religion.

19. The new bishop may not apply to the Pope for confirmation, but shall write to him as the Visible Head of the Universal Church, in testimony of the unity of faith and communion which he is to maintain therewith.

20. The consecration of a bishop may be performed only in his cathedral church by his metropolitan or, failing him, by the oldest bishop in the *arrondissement* of the metropolitan see, assisted by the bishops of the two nearest dioceses, on a Sunday, during the parochial mass, in the presence of the people and the clergy.

21. Before the ceremony of consecration begins, the bishop-elect shall take a solemn oath, in the presence of the municipal officials, the people, and the clergy, to watch with care over the faithful of the diocese entrusted to him, to be faithful to the nation, to the law, and to the King, and to maintain with all his power the Constitution decreed by the National Assembly and accepted by the King.

22. The bishop shall have the liberty of choosing the vicars of his cathedral church from among all the clergy of his diocese, provided that he names only priests who have performed ecclesiastical duties for at least ten years. He may remove them only upon the advice of his council, and by a resolution decided by majority vote and with full knowledge of the circumstances.

23. *Cures* at present established in any cathedral churches, as well as those from parishes which have been suppressed in order to be united with the cathedral church and constitute the jurisdiction thereof, shall be, without need of sanction, the first vicars of the bishop if they so desire, each one according to order of seniority in pastoral functions.

24. The superior and directing vicars of seminaries shall be appointed by the bishop and his council, and may be removed only in the same manner as vicars of the cathedral church.

25. The election of *cures* shall be conducted according to the forms prescribed by, and by the electors designated in, the decree of 22 December, 1789, for the election of members of the district administrative assembly.⁴⁷

26. The assembly of electors for appointment to livings shall constitute itself annually at the time of the formation of the district assemblies, even if there be only one living vacant in the district; for which

⁴⁷ Document 21, *supra*. purpose the municipalities shall be required to notify the district procureur-syndic of all vacancies of livings occurring in their *dissement* through death, or resignation, or otherwise.

27. In convoking the assembly of electors, the *procureur-syndic* shall send each and every municipality the list of all livings to which appointments are to be made.

28. The election of *cures* shall be effected by a separate balloting for each vacant living.

29. Each and every elector, before depositing his ballot in the ballot box, shall take oath to vote only for that person whom he has chosen in his soul and conscience as the most worthy, without having been influenced therein by gifts, promises, solicitations, or threats. Such oath shall be taken for the election of bishops as well as for that of *cures*.

30. The election of *cures* may be held or initiated only on a Sunday, in the principal church of the chief town of the district, at the close of the parish mass, at which all electors are required to be present.

31. The announcement of those elected shall be made by the president of the electoral body, in the principal church, before the solemn mass which is to be celebrated for such purpose, and in the presence of the people and the clergy.

32. In order to be eligible to a living, it shall be necessary to have performed the duties of vicar for at least five years in a parish, or in a hospital or other house of charity of the diocese.

33. *Cures* whose parishes have been suppressed in execution of the present decree may be elected, even if they have not served five years in the diocese.

34. All those above declared eligible to bishoprics, provided they have also served five years, likewise shall be eligible to livings.

' 35. Whoever has been proclaimed elected to a living shall present himself in person to the bishop, with the *proces-verbal* of his election and proclamation, for the purpose of obtaining canonical institution therefrom.

36. The bishop shall have the privilege of examining the *cure-elect*, in the presence of his council, concerning his doctrine and morals; if he deems him competent, he shall bestow canonical institution; if he believes it his duty to refuse it, the reasons for refusal shall be given in writing signed by the bishop and his council, reserving to the parties recourse to civil authority as hereinafter provided.

37. In examining the *cure-elect* who requests canonical institution from him, the bishop may not require aiw oath other than profession of the Catholic, Apostolic, and Roman religion.

38. The *cures* elected and instituted shall take the same oath as the bishops, on a Sunday in their church, before the parochial mass, in the presence of the municipal officials, the people, and the clergy. Until such time, they may not perform any curial function.⁴⁸

39. In the cathedral church and in every parochial church there shall be a special register, on which the *secretaire-greffier* of the municipality shall inscribe, without charge, the of the taking of the oath of the bishop or the *cure*; and, apart from the said *proces-verbal*, there shall be no record of taking possession.

40. Bishoprics and livings shall be considered vacant until those elected have taken the oath above mentioned.

41. During the vacancy of the episcopal see, the first or, failing him, the second vicar of the cathedral church, shall replace the bishop both in his curial duties and in acts of jurisdiction which do not require episcopal authority; but he shall be required to follow the advice of the council in all matters.

42. During the vacancy of a living, the parish administration shall be entrusted to the first vicar, except for the establishment of an additional vicar if the municipality requires it; and in case there is no vicar in the parish, an officiating minister shall be established therein by the bishop.

43. Each and every *cure* shall have the right to choose his vicars, but he may choose only priests ordained or admitted to the diocese by the bishop.

44. No *cure* may dismiss his vicars except for legitimate cause determined by the bishop and his council.

RELIGION

1. Ministers of religion, performing the primary and most important functions of society, and obliged to reside continuously in the place of service to which the confidence of the people has called them, shall be maintained by the nation.

2. All bishops, *cures*, and officiating ministers in annexes and

4ⁿ This was supplemented by several decrees, one of the most important being that of 24 July, 1790 [Duvergier, v. 1, pp. 257-259]. chapels of ease shall be furnished with suitable dwellings, on condition, however, that they make all repairs for which tenants are liable, without intending for the present to introduce anything new with regard to parishes where the priest now receives money instead of a dwelling, and reserving to the departments cognizance of demands made by parishes and *cures*', moreover, salaries shall be assigned to all as indicated hereinafter.

3. The stipend of bishops shall be as follows: for the Bishop of Paris, 50,000 *livres*; for the bishops of cities of 50,000 inhabitants or more, 20,000 *livres*; for other bishops, 12,000 *livres*.

4. The stipend of vicars of cathedral churches shall be as follows: in Paris, for the first vicar, 6,000 *livres*; for the second, 4,000 *livres*; for all other vicars, 3,000 *livres*.

In cities of 50,000 inhabitants or more: for the first vicar, 4,000 *livres*; for the second, 3,000 *livres*; for all others, 2,400 *livres*.

In cities of fewer than 50,000 inhabitants: for the first vicar, 3,000 *livres*; for the second, 2,400 *livres*; for all others, 2,000 *livres*.

5. The stipend of *cures* shall be as follows:

In Paris, 6,000 *livres*.

In cities of 50,000 inhabitants or more, 4,000 *livres*.

In those of fewer than 50,000 inhabitants but more than 10,000, 3,000 *livres*.

In cities and towns of fewer than 10,000 inhabitants but more than 3,000, 2,400 *livres*.

In all other cities and towns, and in villages where the parish has a population of between 2,500 and 3,000 inhabitants, 2,000 *livres*; where it is between 2,000 and 2,500 inhabitants, 1,800 *livres*; where it is fewer than 2,000 but more than 1,000, 1,500 *livres*; and where it is 1,000 inhabitants or fewer, 1,200 *livres*.

6. The stipend of vicars shall be as follows:

In Paris, for the first vicar, 2,400 *livres*; for the second, 1,500 *livres*; for all others, 1,000 *livres*.

In cities of 50,000 inhabitants or more: for the first vicar, 1,200 *livres*; for the second, 1,000 *livres*; and for all others, 800 *livres*.

In all other cities and towns of more than 3,000 inhabitants, 800 *livres* for the first two vicars, and 700 *livres* for all others.

7. The monetary stipend of ministers of religion shall be paid in advance, every three months, by the district treasurer, under penalty of arrest on ordinary summons; and in case the bishop, *cure*, or vicar dies or resigns before the end of the last quarter, no claim for recovery of money may be made against him or his heirs.

The National Constituent Assembly

8. During vacancies in bishoprics, livings, and all ecclesiastical offices maintained by the nation, the accumulations of stipend attached thereto shall be deposited in the district treasury to provide for the expenditures stated hereinafter.

9. *Cures* who are no longer able to attend to their duties because of old age or infirmity shall inform the departmental directory of such fact, which [directory], upon instructions from the municipality and the district administration, shall give them the choice, if need be, of taking another vicar, who is to be paid by the nation on the same basis as other vicars, or of retiring on a pension equal to the stipend of said vicar.

10. Upon establishing their status in the manner above prescribed, vicars, almoners of hospitals, superiors of seminaries, and others holding public office also may retire on a pension equal to their stipend, provided it does not exceed the sum of 800 *livres*.

11. The rate established above for the payment of ministers of religion shall become effective dating from the day of publication of the present decree, but only for those who henceforth are to be provided with ecclesiastical offices. The stipend of present titularies, both those whose offices or employments are suppressed and those whose titles are preserved, shall be established by special decree.

12. In view of the stipend assured them by the present constitution, bishops, *cures*, and their vicars shall perform their episcopal and curial duties gratis.

TITLE IV

OF THE LAW OF RESIDENCE

1. The law of residence shall be strictly observed, and all who are invested with an ecclesiastical office or function shall be subject thereto without distinction or exception.

2. No bishop may absent himself from his diocese for more than fifteen consecutive days during any year, except in case of real necessity and with the consent of the directory of the department in which his see is located.

3. Likewise, *cures* and vicars may not absent themselves from the place of their duties beyond the term established above, except for serious reasons; and even in such cases the *cures* shall be required to obtain the consent of both their bishop and their district directory, the vicars that of their *cures*.

4. If a bishop or a *cure* deviates from the law of residence, the municipality shall inform the departmental *procureur-general-syndic*, who shall *summon him in writing to return to his duty, and after a second warning shall bring suit against him to have his stipend declared forfeit for the entire period of his absence.*

5. Bishops, *cures*, and vicars may not accept positions, functions, or commissions which oblige them to leave their dioceses or parishes, or which will take them away from the duties of their ministry; and those at present so encumbered shall be required to make their choice, within three months of the notification made to them of the

present decree by the *procureur-general-syndic* of their department; otherwise, and after the expiration of said period, their office shall be considered vacant, and a successor shall be appointed according to the forms above provided.

6. Bishops, *cures*, and vicars may be present at the primary and electoral assemblies as active citizens. They may be appointed electors, deputies to the legislatures, elected members of the general council of the commune and of the district and departmental administrative councils; but their functions are declared incompatible with those of mayor and other municipal officials, and of members of the district and departmental directories; and if elected thereto they shall be required to make their choice.

7. The incompatibility mentioned in article 6 shall be effective only henceforth; and if any bishops, *cures*, or vicars have been summoned by the will of their fellow citizens to the office of mayor or to other municipal offices, or appointed members of the district or departmental directories, they may continue to perform the duties thereof.

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See paragraph 2 of the Preamble to the Constitution of 1791 [document 48 *infra*], ¹

32. Decree Requiring the Clerical Oath

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27 November, 1790

SOURCE: **Duvergier, v. 2, pp. 59-60. See also: A. P., v. 21, pp. 80-81***

Moniteur, 28 November, 1790, Rep., v. 6, p. 484
[includes two extra articles! •' B. and R., v. 8, pp. 142-144; Legg, v. 1, pp. 287-289. J'

Attempts at applying the Civil Constitution precipitated a crisis in the autumn of 1790 between clerics in office and the representatives of the new regime. The Assembly decided to test clerical loyalty to the revolutionary religious reorganization by invoking that provision of the Civil Constitution which necessitated the taking of an oath. The oath required by the present document was *not an oath to the Civil Constitution-*, but the implication was obvious. Passive “non-

jurors were permitted to retire on pension, but active recalcitrants were to be punished. This last stipulation was sufficient in itself to perpetuate the existing schism. *



1. Bishops and former archbishops and *cures* maintained in office shall be required to take, if they have not done so, the oath to which they are subject by article 39 of the decree of 13 July last,⁵⁰ and

regulated by articles 21 and 38 of that of the 12th of the same month concerning the Civil Constitution of the Clergy.⁵¹ Accordingly, by virtue of this latter decree, they shall swear to watch carefully over the faithful of the diocese or parish entrusted to them, to be faithful to the nation, to the law, and to the King, and to maintain with all their power the Constitution decreed by the National Assembly and accepted by the King; to wit, those who are now in their dioceses or livings, within a week; those who are absent therefrom but are in France, within a month; and those who are abroad, within two months; all dating from the publication of the present decree.

2. Within the same periods, vicars of bishops, superiors and directors of seminaries, vicars of *cures*, teachers in seminaries and *colleges*, and all other ecclesiastical public functionaries shall take the oath to perform their duties correctly, to be faithful to the nation, to the law, and to the King, and to maintain with all their power the Constitution decreed by the National Assembly and accepted by the King.

3. The oath shall be taken on a Sunday, at the close of the mass: to wit, by the bishops, former archbishops, their vicars, superiors and directors of seminaries, in the episcopal church; and by the *cures*, their vicars, and all other ecclesiastical public functionaries, in the church of their parish; all in the presence of the general council of the commune and of the faithful. To this end, at least two days in advance, they shall declare in writing, to the clerk of the municipality, their intention to take the oath,

and shall consult the mayor in order to decide upon the day.

4. Those of the said bishops, former archbishops, *cures*, and other ecclesiastical public functionaries who are members of the National Assembly and who now perform their duties as deputies, shall take the oath which concerns them respectively at the National Assembly,

⁵⁰ Duvergier errs in citing the date as 13 July; the correct date is 24 July, and the decree in question deals with the stipend of the clergy [Duvergier, v. 1, pp. 257-258].

⁵¹ Document 31, *supra*; see Title II. The oath is the same in both documents mentioned. within a week after the day of announcement of the sanction of the present decree; and within the following week they shall dispatch to their municipality a certificate indicating that they have taken their oath.

5. Those of the said bishops, former archbishops, *cures*, and other ecclesiastical public functionaries who have not, within the established periods, taken the oath prescribed for them respectively shall be deemed to have renounced their office, and provision shall be made for their replacement, as in the case of vacancy by resignation, according to Title II of the decree of 12 July last concerning the Civil Constitution of the Clergy.⁵² To which end the mayor shall be required, a week after the expiration of the said periods, to indicate default in the taking of the oath: to wit, on the part of the bishop or former archbishop, of his vicars, of superiors and directors of seminaries, to the departmental

***procureur-general-syndic*", and of that of the *cure*, of his vicars, and of other ecclesiastical public functionaries, to the district *procureur-syndic*; the Assembly rendering them all guarantors and responsible for negligence in procuring the execution of the present decree.**

6. In case the said bishops, former archbishops, *cures*, and other ecclesiastical public functionaries, after having taken their respective oaths, fail therein, either by refusing to obey the decrees of the National Assembly accepted or sanctioned by the King, or by constituting or instigating opposition to their execution, they shall be prosecuted in the district courts as rebels resisting the law, and punished by deprivation of their stipend, and, moreover, they shall be declared to have forfeited the rights of active citizenship and to be ineligible for any public office. Consequently, provision shall be made for their replacement, according to the said decree of 12 July last . . . ,⁵³

7. Those of the said bishops, former archbishops, *cures*, and other ecclesiastical public functionaries maintained in office and refusing to take their respective oaths, as well as those who have been suppressed, together with the members of secular ecclesiastical bodies likewise suppressed, who enter upon any of their public duties or those which they perform in a body, shall be prosecuted as disturbers of public order and punished with the same penalties as above.

8. All ecclesiastical or lay persons who unite to contrive a refusal to obey the decrees of the National Assembly accepted or sanctioned

⁵² **Document 31**, *supra*.

⁵³ **Document 31**, *supra*. *by the King, or to constitute or instigate opposition to the execution thereof, likewise shall be prosecuted as disturbers of public order and punished according to the rigor of the laws.*

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33. The Papal Bull *Charitas*⁵⁴

13 April, 1791

PP.

SOURCE: THEINER, P. A., ED., *Documents intdits relatifs aux affaires religieuses de la France, 1790 a 1800*, 2 v. (Paris 1857), v. 1, pp. 75-88. [Cf. Lege v 2 198-210.]

The failure of the Assembly to adopt additional coercive measures, or to reverse its original ones, left France in a religious deadlock which continued throughout the Revolution. The position of non-jurors received official approval when, in this Bull, Pope Pius VI formally repudiated the Civil Constitution.

This was the second of two pronouncements issued by the Pope.⁵⁵ The portions here cited are representative of his anti-revolutionary sentiments, and the Bull was substantially an ultimatum to the revolutionaries. The Pope refused to acknowledge the French ambassador, and at the end of May the Papal nuncio left Paris. As an eminent French scholar

has summarized its importance, the Bull completed the breach and set the seal on the schism.⁵⁶

* * *

. . . Charity, which, as the Apostle Paul teaches, is long-suffering and benign, suffers and endures all things so long as any hope remains; with the result that, consequent upon its mildness, it is assailed by delusions such as are already beginning their covert approach. But if delusions increase daily and the time should be imminent where the _ situation threatens to collapse into one of schism, then the very laws of charity, linked with the duties of the apostolic office which we so unworthily exercise, demand and entreat that some fatherly but ready and efficacious remedy be applied to the growing affliction after the erring have been made aware of the enormity of their sin and of the full weight of the canonical penalties to which they are rendering themselves liable. For in this wise it will come to pass that those who

⁵⁴ The document is generally known as the Bull *Caritas*, but the text given in Theiner opens with the word *Charitas*. The translation here given is the work of Professor Norman De Witt, formerly of Western Reserve University, and now of the

Department of Classics in the University of Minnesota.

⁵⁵ The first one appeared on 10 March, 1791 [Theiner, *op. cit.*, v. 1, pp. 32-71].

⁵⁰ Aulard, F. V. A., *Christianity and the French Revolution*, tr. from the French by

Lady Una Frazer (Boston, 1927), p. 72. have left the way of truth may return to their senses, and, having forsworn their delusions, may turn back to the Church which, like a loving mother, embraces the returning ones with open arms; it will come to pass, also, that the others who are true to the faith may speedily escape the wiles of false priests who, having made their way into the fold otherwise than by way of the proper gate, have no object other than to rage, slay, and destroy.

. . . we could scarcely credit the rumor . . . that the radical philosophers, joining forces and constituting the majority of the National Assembly in France, were stirring up feeling against the Catholic religion ... In a letter dated 9 July, 1790, to Louis our son most dear in Christ, a most Christian King,⁵⁷ we exhorted him again and again to refrain from confirming the *Civil Constitution of the Clergy* which would lead the nation into wrong and the kingdom into schism. For by no policy should it be made possible that a political assembly composed of mere men might change the universal discipline of the Church, the teachings of the holy Fathers, abolish the decrees of our councils, overthrow the hierarchical order, govern the elections of bishops at their own discretion, destroy the sees of our bishops, and, banishing the higher form, impose the baser upon the Church.

To be sure, the most Christian King refrained from giving the constitution his sanction; but, under the insistence and pressure of the National Assembly, he

permitted himself to be carried away to the extent of lending his approval thereto: . . .

... ..

... we ourselves . . . subjected all the articles of the aforementioned constitution to an examination; but the Assembly of the French nation, although hearing the united voices of the Church, was none the less so far from desisting from the course begun that it tried even more sorely the resolve of the bishops. Accordingly, seeing this and being definitely informed by the metropolitans and the older bishops that no one could be found who would consider himself capable of confirming the new bishops elected by laymen, heretics, infidels, and Jews in municipal districts as the published decrees provided, and seeing that the absurd form of this regime could in no way be maintained, since without bishops all semblance of a church would vanish,

⁵⁷ See Theiner, *op. cit.*, v. 1, pp. 5-7, under date of 10 July, 1790.

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**I recalled that even more absurd decrees were published, such as those issued on ... 27 November .
..⁵⁸**

. . . These very decrees were the reason why the French bishops . . . took up the fight against the Constitution of the Clergy The result of which is that, with the open avowal and agreement of the entire French Church, the civil oath is to be regarded as

perjured and sacrilegious, . . . and that all committing the act are to be regarded as schismatic, and as worthless, futile, and subject to greater censure.

Accordingly, as we see schism being brought closer and closer, . . . and daily seeing . . . priests, not only of the first but also of the second rank, being elected on all sides, and legitimate ministers being cast down from their positions and driven out and rapacious wolves being substituted in their place, we could not help . . . being profoundly moved . . . Therefore, in order to establish a barrier to the growing schism at the very first opportunity, to recall the erring to their duties, to maintain the good in their resolution, we, abiding by the counsel of our reverend brothers, the cardinals of the Holy Roman Church, in deference to the prayers of all the bishops of the French Church, and following the precedents established by our predecessors, we, by virtue of the apostolic power which we exercise, and in view of the trend of events, declare first that all cardinals of the Holy Roman Church, . . . archbishops, bishops, abbots, vicars, canons, parish priests, presbyters, and all who are enlisted in the service of the church, whether secular or regular, *who have taken the civil oath* pure and simple as prescribed by the National Assembly, which oath is the poisoned fountainhead and source of all errors and pre-eminently a cause of mourning to the Catholic Church of France, shall be suspended from the tenure of any office whatsoever and liable to the charge of irregularity if they exercise such office, unless within forty days, dating from today, they have retracted said oath.

Moreover, we declare specifically that the elections of . . . *Expilly, Marolles, Saurine, Massieu, Lindet, Laurent, Heraudin and Gobel* ... are illegitimate, sacrilegious, and were and are absolutely null and void ...

We declare and decree likewise that the *consecrations* of same were and are criminal, and altogether illicit, illegitimate, sacrilegious, and performed in violation of the sanctions of the sacred canons, and . • •

⁵⁸ Document 32, *supra*. we declare them . . . *suspended* from all employment of the episcopal office.

We hereby declare that *Charles, Bishop of Autun, Jean Baptiste, Bishop of Babylon, and Jean Joseph, Bishop of Lidda*, whether performers of sacrilegious consecrations or assistants thereat, *are suspended* from all employment of the episcopal office; and correspondingly suspended from employment of the priestly office are all those of any other rank whatsoever who furnish *aid, help, agreement, or counsel* in the performance of the said consecrations.

Moreover, we . . . strictly forbid, under the same *penalty of suspension*, the said *Expilly* and others wrongly elected and illicitly consecrated to venture to assume episcopal jurisdiction or any other authority with regard to the regulation of souls, which they have never acquired; . . .

We equally . . . constrain, under similar *penalty of suspension*, not only the said consecrated clergy but

also their consecrators not to venture to confer the sacrament of confirmation or orders, or to exercise in any way the episcopal office from which they have been suspended; and, similarly, those who may be initiated by them into ecclesiastical orders shall know that they are bound by the chains of suspension, and if they exercise the orders they have assumed they also shall be subject to the charge of irregularity.

Moreover, in order to anticipate a sequence of greater evils, . . . we decree and declare that *all other elections* to French churches . . . were, are, and shall be void, illegitimate, sacrilegious, and absolutely noneffective, and we rescind, cancel, and abrogate them now and forevermore; declaring in this connection that those falsely and illegally elected, and others elected in a similar manner, to churches, either cathedral or parish, are utterly devoid of spiritual jurisdiction in the governing of souls, and that the bishops thus far illicitly consecrated, . . . and those who may be consecrated hereafter, are and shall be suspended from all employment of the episcopal order, and that the parish priests . . . installed by the sacerdotal ministry are and shall be suspended; and, in addition, we expressly forbid the elect, or those who may be elected as bishops, to venture to accept either the episcopal consecration or order from anyone, whether metropolitan or bishop, and we forbid the pseudo bishops and their sacrilegious consecrators and all other bishops and archbishops to presume, under any pretext or excuse, to consecrate those vainly elected or to be elected; admonishing, moreover, the said elect and those to be elected not to act as archbishops,

bishops, or parish priests, or vicars, nor to assume the title of any church, whether cathedral or parish, nor to arrogate unto themselves any jurisdiction or any authority for the governing of souls, or any faculty, *under penalty of suspension and nullification*, from which penalty none of those above mentioned will ever be able to gain absolution except through us or those whom the Apostolic See may have delegated.

... up to this point we have declared the infliction of these canonical penalties in order that the sins thus far committed may be corrected, and that henceforth there may be an obstacle in the way of their wider propagation. For we entrust the future to the Master, in the hope that those who perform consecrations, that the invaders of both cathedral and parish churches, that all the authors and partisans of the constitution which has been published will acknowledge the error of their ways, and through repentance will return to the fold from which they were torn away not without artifice and trickery. And thus we, urging them in fatherly terms, exhort and again exhort, and beseech in the Master's name, that they renounce their ministry, that they retrace their steps from the road to perdition down which they have plunged, and that they at no time perform those monstrous acts of the doctrines spread abroad by men steeped in the philosophy of this age, acts which are opposed to the institutions of Christ, the traditions of the Fathers, and the regulations of the Church. But if it should ever come to pass that our present policy of temperate action and our fatherly admonitions should be of no avail—which God forbid!—let them realize that it is not our intention to exempt them

from those more weighty penalties to which they are subject by the canons; let them convince themselves that they will be subjected by us to anathema, and that we will denounce them, stricken by the anathema of the Universal Church, as schismatic, and cut off from the communion of the Church and ourselves. For it is altogether appropriate that *each one should have chosen to wallow in the mire of his own folly, that the statutes should abide, and that each should cast in his lot with those whose error he has followed . . .*

Finally, we beseech you in the Master's name, dear sons, Catholics everywhere in France, and reminding you of the religion and faith of your fathers, we, moved in our heart of hearts, urge you not to abandon your religion, inasmuch as it is the one and only true religion which bestows life eternal, and also preserves civil societies and causes them to prosper. Be steadily on guard lest you lend ear to the insidious voices of the philosophy of this century which lead to death; and shun all invaders, whether they be called archbishops, bishops, or parish priests, in such wise that there be no relations between you and them, particularly in religious matters, hearkening constantly to the voices of your legitimate pastors who are still alive, and who may be set over you in future according to canonical law; and, finally, cleave to this one statement from us: no one can be in the Church of Christ unless he is one with its Visible Head, and established in the chair of Peter. And that all may be inspired to perform their duties with greater zeal, praying the Heavenly Father to vouchsafe you the spirit of wisdom, truth, and constancy, as a token of fatherly affection we bestow lovingly upon

you, our dear sons, reverend brothers, and dear sons, the Apostolic benediction.

Dated at St. Peter's, Rome, April 13, 1791, in the 17th year of our pontificate.

34. Decree Restricting the Publication of Papal Documents in France

9 June, 1791

SOURCE: Duvergier, v. 3, p. 10. See also: A. P., v. 27, pp. 73-74; *Moniteur*, 10 June, 1791, Rep., v. 8, p. 621; Helie, p. 241; Legg, v. 2, p. 38.

This decree is the logical consequence of the Bull *Charitas*, It applied only to canons on dogma, and did not affect those applying to other matters such as excommunication. The fact that the Assembly could and did enact such a provision is an indication of the assumption by the legislature of functions which heretofore would have been the prerogative of the executive power.

H*

The National Assembly, having heard its united Constitutional and Ecclesiastical Committees, considering that it is important for national sovereignty and for the maintenance of public order within the kingdom to establish constitutionally the conservative forms of the ancient and salutary maxims by which the French nation always has avoided encroachments of the Court of Rome, without lacking in the respect due the head of the Catholic Church, decrees as follows:

*** No briefs, bulls, rescripts, constitutions, decrees, or dispatches of the Court of Rome, under any denomination whatsoever, may be recognized as such, received, published, printed, posted, or otherwise put into effect within the kingdom; but they shall be null and non-effective therein unless they have been presented to the legislative body, considered and verified by it, and unless their publication or execution has been authorized by a decree sanctioned by the King and promulgated in the forms established for the publication of laws.**

2. Bishops, *cures*, and all other public functionaries, either ecclesiastical or lay, who, in contravention of the preceding article, read, distribute, have read, distributed, printed, posted, or otherwise give publicity or execution to briefs, bulls, rescripts, constitutions, decrees, or other dispatches of the Court of Rome, not authorized by a decree of the legislative body sanctioned by the King, shall be prosecuted criminally as disturbers of public order, and punished with the penalty of civic degradation, without prejudice to the execution of article 2 of the decree of 7 May last.⁵⁹

***Suggestions for Reading and Reference* THE
NATIONAL CONSTITUENT ASSEMBLY**

(For full titles see Key to Abbreviations, *supra*)

GENERAL

Secondary Works

Acton, pp. 77-192; Aulard, v. 1, pp. 139-337; Bourne, pp. 95-148, 150-163; Bradby, pp. 33—109; Brinton,

pp. 5—28 *passim*, 29-53, 64-87 *passim*, 246-273 *passim*; C. H. B. F. P., v. 1, pp. 187-210; C. M. H., v. 8, pp. 159-210 and ch. 10, 11, 14, 23-25 *passim*; Deslandres, v. 1, pp. 48-137; Gasc-Desfosses, v. 2, pp. 30—436; Gershoy, pp. 113-198; Gottschalk, pp. 131-195; Hazen, v. 1, pp. 243-468; Henderson, pp. 48-209; Jaures, v. 1, pp. 254-756 and v. 3, pp. 442-851 *passim* [Mathiez ed., v. 1, pp. 292 ff. and v. 2]; Kropotkin, v. 1, pp. 57-236 and v. 2, pp. 407-420 *passim*; L. and R., v. 8, pp. 62-118 and ch. 6 and 9-20 *passim*; L., G., and S., pp. 32-99, 465-539 *passim*; MacLehose, pp. 103-353, 354-369 *passim*; Madelin, pp. 67-210; Masson, ch. 2 *passim*; Mathews, pp. 129-185; Mathiez, pp. 45-132; Rambaud, v. 3, Book I *passim*; Rose, pp. 40-61; Sagnac, pp. 36-330; Sorel, v. 2, pp. 1-298; Stephens, pp. 54-105; Stephens, *French Revolution*, v. 1, pp. 67-553, [415-467 *passim*, 515-561 *passim*]; Thompson, pp. 44-227 [Am. ed., pp. 30-247]; Villat, pp. 28-120, 146-153. so This decree [Duvergier, v. 2, p. 363] dealt with the clerical oath and with build-ins consecrated to religious worship by special societies. Article 2, in re a mg latter problem, provided for criminal prosecution of members of such orgamzaticins if they spoke against the Constitution in general or the Civil Constitution of the Clergy in particular.

Suggestions for Reading and Reference Primary Sources

A. P., v. 8, pp. 169 ff., v. 9-33; B. and R., v. 2, pp. 29 ff., v. 3-11, v. 12, pp. 1—36; Bloch, pp. 1—59 *passim*, 60-326, 1007—1074; Bloch, *Monnaie*, pp. 1-41 *passim*, 42-141, 507-514; Bourgin, pp. 241-260 *passim*, 261-302; C. and G., pp. 3-47, 147-171, 178-

195, 200, 217-221, 222, 238-244, 248-250
passim, 250-252, 253, 254-256, 258-260 *passim*, 263-
269, 278-282, 284, 286-287, 292-294, 298-299, 323-
339, 357-358, 359-363, 365, 377-379, 385-392,
398, 402-410, 414-415, 429-431 *passim*, 432-434,
455-463, 465, 467-471 478, 481-484 *passim*; Caron,
pp. 1-27 *passim*, 31-36; Clercq, v. 1, pp. 202-212; D.
and M., pp. i-xxv, 1-35; Duvergier, v. 1, pp. 28 ff., v.
2, 3; Helie, pp. 24-326; Higgins, pp. 90-194; Martens,
v. 4, pp. 435 ff., v. 5, pp. 125-291 *passim* and Table,
pp. 39-43; *Moniteur*, v. 1, pp. 105 ff., v. 2-9, v. 10, pp.
1-11; Schmidt, pp. 1-29 *passim*, 31-114; Schmidt,
Industrie, pp. 1-21 *passim*, 32-67; Schmidt, *Tableaux*,
v. 1, pp. 3-61; Stephens, *Speeches*, v. 1, pp. 1-25, 41-
46, 81-242, v. 2, pp. 287-304; Thompson, *Witnesses*,
pp. 45-144.

SPECIAL

Secondary Works

Aulard, F. V. A., *Les orateurs de la Revolution: UAssemblee Constituante*, new ed. (Paris, 1905);
Brette, Armand, ed., *Les constituants. Liste des
deputes et des suppleants elus a lAssemblee
Constituante de 1789* (Paris, 1897); Le Clerq, D.,
LOeuvre de la Constituante (Paris, 1938); Lefebvre,
Georges, *The Coming of the French Revolution*, tr.
from the French by R. R. Palmer (Princeton, 1947).

Primary Sources

Berville, Saint-Albin and Barriere, J. F., ed., *Collection
des memoires relatifs d la Revolution frangaise*, 56 v.
(Paris, 1820-1828); Browning, Oscar, ed., *Despatches
from Paris, 1784-1790*, 2 v. (London, 1909-1910)

[Royal Historical Society, Camden, 3rd ser., XVI, XIX]; Fersen, H. A. von, Grefve, *Diary and Correspondence* . . . , tr. from the French by K. P. Wormeley (Boston, 1909); Fling, F. M. and H. D., ed. and tr., *Source Problems on the French Revolution* (New York and London, 1913), pp. 161 ff.; Lacroix, S., ed., *Actes de la commune de Paris pendant la Revolution*, ser. 1 and 2 in 15 v. (Paris, 1894-1909); Legg, v. 1, pp. 38 ff., and v. 2; Mirabeau, H. G. Riquetti, Comte de, *Corre-spondance entre Mirabeau et le Comte de la March pendant les annees 1789, 1790 et 1791*, ed. by A. de Bacourt, 3 v. (Paris, 1891); Morris, Gouverneur, *The Diary and Letters of Gouverneur Morris*, ed. by Anne C. Morris, 2 v. (New York, 1888) and *A Diary of the French Revolution, 1789-1793*, ed. by Beatrix C. Davenport, 2 v. (Boston, 1939); Sutherland, G. G. L. Gower, 1st Duke of, *The Despatches of Earl Gower, English Ambassador at Paris from June, 1790 to August, 1792* . . . , ed. by Oscar Browning (Cambridge, 1885).

BIOGRAPHY

[See statement at end of Chapter One.]

CHAPTER THREE--THE NATIONAL CONSTITUENT ASSEMBLY

(Continued)

I. COUNTER-REVOLUTION, FOREIGN RELATIONS, AND REVOLUTIONARY PROPAGANDA

35. Excerpts from the Correspondence of the Revolution Society of London, 4 November and 5 December, 1789.

36. Letter from Louis XVI to Foreign Courts, 23 April, 1791.

II. THE FLIGHT TO VARENNES

37. Order for the Arrest of the Royal Family, 21 June, 1791.

38. The King's Declaration, 20 June, 1791.

39. Declaration on French Foreign Policy, 21 June, 1791.

40. Decree concerning the Royal Family, 24 June, 1791.

41. The King's Second Declaration, 27 June, 1791.

III. THE AFTERMATH OF VARENNES

42. Placard Advocating Republicanism, 1 July, 1791.

43. Decree Determining Abdication, 15-16 July, 1791.

44. Petitions of the Champ de Mars, 16 and 17 July, 1791.

IV. THE EUROPEAN POWERS AND THE THREAT OF INTERVENTION

45. The Padua Circular, 5 July, 1791.

46. The Declaration of Pillnitz, 27 August, 1791.

V. THE LATER DEBATES ON THE CONSTITUTION

47. Decree relative to the Convocation of the Next Legislature,

28 May, 1791.

VI. THE CONSTITUTION COMPLETED

48. The Constitution of 1791, 3 September, 1791.

VII. THE CLOSE OF THE NATIONAL CONSTITUENT ASSEMBLY

49. Royal Proclamation, 28 September, 1791.

THE NATIONAL CONSTITUENT ASSEMBLY

(Continued)

The present chapter is designed to complete the study of the National Constituent Assembly by examining several important accompaniments of its revolutionary reorganization of France, and the more significant of its final accomplishments.

Prominent among the by-products of the early revolutionary endeavors were: counter-revolutionary

manifestations and the development of revolutionary radicalism (I, III), the foreign relations of the Assembly and the impact of the Revolution on the other states of western Europe (I), the attempt of the King to leave France (II), and the domestic and international consequences of that incident (III, IV). Outstanding among the later achievements of the Constituent Assembly was the fulfillment of one of its original objectives, the completion of a constitution (V, VI).

By the close of the National Constituent Assembly in 1791 (VII), fundamental changes had been wrought in the form and substance of French institutions. Politically, France was still a monarchy, but a monarchy shorn of those arbitrary features which had characterized the Old Regime. The power of the King was limited by a written constitution and a popularly elected legislature. The provinces and *generalites* with their appointed officials and centralized organization had given way to the departments, administered by elected officials functioning under a decentralized system. Municipal government had been reorganized, likewise the judiciary. Provision had been made for the simplification, standardization, and humanization of the laws, and trial by jury and the principle of equality before the law had been recognized. Socially, equality was the order of the day (at least in theory), and corporations and social distinctions had yielded to private virtues and natural talents. The manorial system had been supplanted by “free ownership” of land, and commercial and industrial activity had been furthered by the creation of new tariffs, governmental subsidies, and the making of plans for

a uniform standard of weights and measures. In the realm of religion, tolerance (if not actual liberty) had been accepted; and the predominant Roman Catholic Church had become almost a government agency. Moreover, impetus had been given to the development of the cultural life of the people. In one field of endeavor, that of finances, the Assembly had not been successful; but even there, hope of better things to follow appeared to be capable of realization.

Whatever its shortcomings, it is doubtless safe to say that the work of the National Constituent Assembly exceeded that of any comparable body in modern history. It is understandable, therefore, that as the deputies took leave of active political life (they had voluntarily voted themselves out of office) and passed the execution of their endeavors on to their successors in the “Legislative” Assembly, they should feel that the realization of human perfectibility was not far off. It is not astonishing that, dazzled by the radiance of the immediate past and blinded to the dangers of the immediate future, many of them should depart confident that the Revolution was “over.”

I. COUNTER-REVOLUTION, FOREIGN RELATIONS, AND REVOLUTIONARY PROPAGANDA

Counter-revolutionary movements first derived from the privileged classes, some of whom had emigrated in 1789. The departure of this disgruntled element deprived France of a wealthy and influential minority, and presented a threat to the security of the revolutionaries. Repressive legislation against them appeared to be inconsistent with the “Rights of

Man,” so the Constituent Assembly referred the matter to the Constitutional Committee, and took no definite action until after the flight to Varennes. The *emigres* travelled throughout western Europe, appealing for foreign aid. As yet, however, European states were not interested in active intervention, and Louis disapproved of armed interference.¹

During the days of the Constituent Assembly the *emigres* were not so dangerous, however, as were the counter-revolutionaries *within* France. There the King and the Court party obstructed the efforts of the Assembly and appealed to foreign states for moral support. From 1790 Louis’ secret agent, Breteuil, worked outside France on his behalf. Furthermore, he “used” whatever susceptible revolutionaries he might exploit. Meanwhile, Louis made a pretense of supporting the Revolution.² Other counter-revolutionaries comprised the “aristos” (a remnant of the former privileged classes) who resorted to obstructionism, propaganda, and agitation, peasants who felt that the August 4th decrees were not being implemented, and clergy who resented the ecclesiastical legislation. Counter-revolutionary activities reached such proportions by the summer of 1790 that the Assembly was forced to issue regulatory legislation.³

Paralleling counter-revolution, a pro-revolutionary movement was taking form. Among the most outstanding of the manifestations of this were the “federative fetes,” culminating in the Festival of the Federation of 14 July, 1790, the enthusiasm engendered by which served temporarily as a spiritual check on

¹ **Concerning the *emigres* see: Baldensperger, Fernand, *Le mouvement des dans l'emigration frangaise (1789-1815)*, 2 v. (Paris, 1924); Childs, Frances, *French Refugee Life in the United States, 1790-1800* (Baltimore, 1940).**

² **See for example, his speech of 4 February, 1790, advocating national unity and representing himself as the head of the Revolution [*Moniteur*, 6 February, 1790, Rep., v. 3, pp. 297-299, and A. P., v 11, pp. 429-431]. r¥ . . nn**

³ **For example, decree of 2 June, 1790, against agitators [Duvergier, v. 1, PP-**

Concerning counter-revolution see: Madelin, Louis, *La Revolution, 1789-1815* (Paris, 1935); Vingtrimer, Emmanuel, *La contre-rivoluti* .

Premiere periode, 1789—1791, 2 v. (Paris, 1924—1925). **counter-revolution.¹ Of more enduring significance was the development of revolutionary radicalism, aiming at democratic institutions, and manifested through Robespierre, the Cordeliers, and the radical press. The growth of this movement was fostered by such incidents as the flight to Varennes, and by suspicion that intervention by the great powers of Europe was imminent.**

The initial European response to the French Revolution had not been unfavorable. European liberals, and even many who could not claim the title, viewed with interest and satisfaction the progressive actions of the revolutionaries and their efforts at restricting “irresponsible absolutism.”

France became a haven for political refugees from other countries. In the new land of liberty they hoped to find, if not their long-sought Utopia, at least a sanctuary where they could make plans for further revolutions in their homelands. French travelers told tales of the new freedom, and foreigners journeyed to France to observe the fulfillment of the “golden age.” The situation was not unlike that following the Russian revolutions of 1917, when radicals of all shades of red hailed the movement as the social millennium, cited the new Soviet state as the *ne plus ultra* of modern progressivism, and traveled thither to see with their own eyes the realization of the dreams of generations of philosophers.

The propaganda of the Revolution spread rapidly and widely. It found a ready response in the more enlightened states of western Europe. Of special interest to English-speaking students is the effect of the Revolution on England. To Pitt, it appeared a possible means of reducing France still further as a European power and enabling him to provide England with peace, prosperity, and parliamentary reform. Among the liberal intellectuals old revolutionary societies were revived and new ones inaugurated; and these societies communicated with and encouraged the French revolutionaries (35).²

Gradually, however, many Europeans sensed danger in the dissemination of the universal principles embodied in the Declaration of the Rights of Man. Many proponents of the Revolution were alienated by the exaggerated counterrevolutionary propaganda of the *emigres*. Many conservatives

transformed their passive disapproval into militant animosity. One of the most telling attacks was that of the eloquent Briton, Edmund Burke, who, in the autumn of 1790, published his immortal *Reflections on the Revolution in France* as a reply to the activity of the Revolution Society and as a denunciation of the Revolution and the philosophy of natural rights. Despite its defects, despite the effective replies of Thomas Paine in his *Rights of Man* and Sir James Mackintosh in his *diciae Gallicae*, Burke's tract had significant consequences. Among these were the strengthening of the dominant Tory element in Parliament and the weakening of movements on behalf of parliamentary reform. Foreign repercussions of this type were gratifying to Louis, although he continued his policy of duplicity, an example of which is a circular letter, issued in April, 1791, to give the heads of other European states a happy picture of the Revolution (36).

Apart from the possibility of foreign intervention, four additional items in connection with French foreign relations under the Constituent Assembly deserve mention. The first was the virtual transfer of the control of diplomatic powers from the King to the legislature.⁶ The second was a renunciation of wars "with a view to making conquests" or against "the liberty of any people."⁷ The third was the development of complications with the Rhenish states, which claimed exemption from the August 4th decrees on their Alsatian fiefs, and obtained the "good offices" of the Emperor in their behalf. The fourth was the adoption (despite professions of non-aggression and non-intervention) of a decidedly annexationist policy.⁸

Foreign relations were not to become a really serious matter until 1792, yet as early as the summer of 1791 they were to affect France in connection with the attempted flight of the King.⁹

35. Excerpts from the Correspondence of the Revolution Society of London

4 November and 5 December, 1789

SOURCE: ***The Correspondence of the Revolution Society in London, with the***

National Assembly, and with Various Societies of the Friends of Liberty in France and England (London, 1792), pp. 3, 9-10.

One of the most prominent of the English revolutionary organizations was the Revolution Society of London, then celebrating the centenary of the Glorious Revolution in England. At its anniversary meeting in November, 1789, the accompanying congratulatory address to the Constituent Assembly was drafted. The document, signed by Lord Stanhope, President of the Society, indicated the universal quality of the movement from which the French Revolution sprang. It was conveyed to the Due de la Rochefoucauld to be presented to the Assembly. a Decree of 22 May, 1790 [Duvergier, v. 1, p. 191].

⁷ *Ibid.*, art. 4.

⁸ See Section VII of this chapter. .

⁹ In addition to works already cited, see the following items concerning foreign relations:

Bourgeois, fimile, *Manuel historique de politique Strangle*, 4 v. (Paris, 1925-1926), v. 2; C. H. B. F. P., v. 1; Clercq, v. 1, pp. 202-212, and v. 15, p. 137, Gooch G. P., *Germany and the French Revolution* (London and New York, 19ZU1, Martens, v. 4, pp. 435 ff., v. 5, pp. 125-291 and Table, PP- 39 ; Masson

Fr6d6ric, *Le departement des affaires itrangeres pendant la Revolution (1787 1804)*

(Paris, 1877); Sorel. v. 2, pp. 1-298.

The second document is the official translation of the reply of the President of the Assembly, and was accompanied by an extract from the proceedings o that body.

V * * *

4 November, 1789.

The Society for commemorating the Revolution in Great Britain, disdaining National partialities, and rejoicing in every triumph of Liberty and Justice over Arbitrary Power, offer to the National Assembly of France their Congratulations on the Revolution in that Country, and on the prospect it gives to the first two Kingdoms in the World of a common participation in the blessings of Civil aild Religious Liberty.

They cannot help adding their ardent wishes of an happy settlement of so important a Revolution, and at the same time expressing the particular satisfaction with which they reflect on the tendency of the glorious example given in France to encourage other Nations to assert the *unalienable* rights of

Mankind, and thereby to introduce a general reformation in the governments of Europe, and to make the World free and happy.

5 December, 1789.

IT is worthy, my Lord, of a celebrated Society, and of an happy and free people, to interest themselves in the progress of public liberty and happiness.

The French nation has long been improving in knowledge and arts; and its government was directed by opinions derived from them even before the country governed itself by the laws which they dictated.

The Nation pursued with ardor useful truths, and daily diffusing light over every branch of the administration, it appeared to be carried, as by an universal impulse, to those changes which now give it strength and stability.

A King whom we may call the *best* of Men, and the *first* of Citizens, encouraged by his virtues the hopes of the Nation, and now, by universal concurrence, a durable Constitution is established, founded on the unalienable rights of Men and Citizens.

It undoubtedly belongs to our age, in which reason and liberty are extending themselves together, to extinguish forever national hatred and rivalry.

We must not allow the prejudices which disgrace Nations to produce Wars, those *errors* of governments. But the two most enlightened

People of Europe ought to shew, by their example, that the love of their country is perfectly compatible with every sentiment of humanity.

The National Assembly discovers in the Address of the Revolution Society of England, those principles of universal benevolence which ought to bind together, in all Countries of the World, the true friends to the happiness and liberty of mankind.

The National Assembly has given the most undeniable testimony of its strong and deep sense of this truth, by the solemn vote which it has directed me to communicate to you.

Accept the assurance of those sentiments with which I have the honour to be,

My Lord,

Your most humble,

**And most obedient servant, THE ARCHBISHOP OF
*Aix, President of the National Assembly.***

36. Letter from Louis XVI to Foreign Courts

23April, 1791

SOURCE: *Moniteur*, 25 April, 1791, Rep., v. 8, p. 213.

See also: A. P., v. 25, pp. 312-313; B. and R., v. 9, pp. 414-417; Legg, v. 2, pp. 23-26.

This letter, drafted perhaps by the Lameths, was the direct result of newspaper criticism of the King for his delay in advising foreign courts of the revolutionary changes in France. Issued by

Montmorin, Minister of Foreign Affairs, the circular gave the impression that the King wished to quiet the fears of foreign monarchs and to give support to the Revolution. That its purpose was primarily to conceal the King's preparations for flight was later proved when it was learned that Louis had simultaneously ordered Breteuil, his secret agent abroad, to disavow the entire contents of the letter.

The King charges me, Sir, with informing you of his most formal intention that you make known his sentiments concerning the Revolution and the French Constitution at the court where you reside. The ambassadors and ministers of France at all the courts of Europe are receiving the same orders, lest any doubt remain with regard to His Majesty's intentions, his free acceptance of the new form of government, or his irrevocable oath to maintain it. His Majesty convoked the Estates General of the kingdom and determined in his council that the commons should have therein a number of deputies equal to that of the other two orders then existing. This act of provisional legislation, which the obstacles of the moment prevented from being more favorable, was sufficient indication of His Majesty's desire to re-establish the nation in all its rights.

The Estates General assembled and took the title of National Assembly; soon a constitution, conducive to the happiness of France and of the monarch, supplanted the old regime in which the apparent force of royalty only concealed the real force of the abuses of some aristocratic bodies.

The National Assembly adopted the form of representative government united with hereditary monarchy. The legislative body was declared permanent; the election of ministers of worship, of administrators, and of judges was restored to the people; the executive power was conferred upon the King, the formation of law upon the legislative body, and the sanction upon the monarch. The public force, both internal and external, was organized upon the same principles and according to the fundamental basis of the division of powers. Such is the new constitution of the kingdom.

What is called the Revolution is only the destruction of a multitude of abuses accumulated over centuries through the errors of the people or the power of the ministers, which has never been the power of the kings. These abuses were no less calamitous to the nation than to the monarch; during happy reigns authority had not ceased to attack them without being able to destroy them. They no longer exist. The sovereign nation now has only citizens equal in rights, no despot but the law, no agencies but the public functionaries, and the King is the first of these functionaries. Such is the French Revolution.

It was bound to have as enemies all who, in a first moment of error, lamented the abuses of the former government because of self-interest. Hence the apparent division which has manifested itself within the kingdom, and which daily grows weaker; hence, perhaps, some severe laws and circumstances which time will correct. But the King, whose real force is indivisible from that of the nation, who has no other ambition than the welfare of the people, no other real power than that which is delegated to

him, the King was obliged to adopt without hesitation a favorable constitution which would regenerate, at one and the same time, his authority, the nation, and the monarchy. All his power has been preserved, except the formidable power to make laws; he remains in charge of negotiations with foreign powers and of the task of defending the kingdom and repulsing its enemies; but henceforth the French nation will no longer have any external enemies save its aggressors. It no longer has internal enemies except those who, still nourishing themselves on foolish hopes, believe that the will of twenty-four million men, restored to their natural rights, after having organized the kingdom so that there remain only memories of the old forms and former abuses, is not an immutable, an irrevocable constitution.

The most dangerous of these enemies are those who have a predilection for spreading doubts concerning the intentions of the monarch. These men are entirely culpable or entirely blinded; they believe themselves the friends of the King—they are the only enemies of the monarchy. They would have deprived the monarch of the love and confidence of a great nation if his principles and integrity had not been so well known. Ah! What has the King not done to show that he counted the French Revolution and the Constitution also among his titles to glory? After having accepted and sanctioned all the laws, he has not neglected any means of having them put into effect. As early as the month of February of last year, in the midst of the National Assembly, he promised to maintain them; he took oath thereto in the midst of the universal federation of the kingdom. Honored with the title of Restorer of French Liberty,

he will transmit more than a crown to his son; he will bequeath him a constitutional monarchy.

The enemies of the Constitution do not cease to repeat that the King is not happy; as if there might exist for a king any happiness other than that of the people! They say that his authority is debased; as if authority founded upon force were not less powerful and less certain than the authority of the law! Finally, that the King is not free: atrocious calumny, if it be supposed that his will might be forced; absurd one, if they take for default of liberty the consent His Majesty has several times expressed to remain among the citizens of Paris . . .

Such calumnies, however, have penetrated even into foreign courts; they have been repeated there by Frenchmen who have voluntarily exiled themselves from their *Patrie* instead of sharing its glory, and who, if they are not its enemies, have at least abandoned their position as citizens. The King charges you, Sir, with frustrating their intrigues and schemes. These same calumnies, by diffusing the most fallacious ideas concerning the French Revolution, have rendered the intentions of French travelers suspect in several neighboring nations; and the King expressly recommends that you protect and defend them. Give, Sir the idea of the French Constitution held by the King himself; leave no doubt as to His Majesty's intention to maintain it with all his power. By assuring the liberty and equality of citizens, this Constitution establishes national prosperity upon the firmest foundations, it strengthens the royal authority by laws; it anticipates, by a glorious revolution, the revolution which the abuses of the former government soon

would have provoked . . . Finally, it will delight the King. The work of justifying it, defending it, and taking it as a rule of conduct is to be your first duty.

Already on several occasions I have manifested His Majesty's sentiments in this connection; but, following the word that has reached him concerning the opinion which some persons were seeking to establish in foreign countries with regard to events in France, he has ordered me to charge you with making the contents of this letter known at the court at which you are located; and, to give it more publicity, His Majesty has just ordered the printing thereof.

Signed: MONTMORIN

II. THE FLIGHT TO VARENNES

The trends of the Revolution in general and the ecclesiastical legislation in particular caused Louis to determine to leave France. From the end of 1790 plans were being made for his escape to the eastern frontier, where he would find loyal troops and where Austrian aid would be more readily available.

Despite secrecy, rumors of the project began to circulate. They gained such currency that when, in April, 1791, Louis attempted to go to Saint-Cloud for Easter Service (with a non-juring priest), Parisians prevented his departure from the capital. This incident only increased the King's determination to leave the country.

During May and June of 1791 the plans for the flight were completed. The objective was Montmedy, a town near the Luxembourg frontier; and the

escape Was to be facilitated by convoys of dependable troops sent from Metz by General Bouille. On the night of 20 June the royal family managed to get out of Paris. Traveling in disguise and with false passports, they hoped to avoid detection. But tardiness in leaving Paris, and delays along the route disorganized the schedule. The new berline, specially built for the occasion, attracted attention. And ultimately the face which decorated the coin of the realm was recognized. When, late on the night of 21 June, the party arrived at Varennes, some 150 miles distant from Paris, they were detained, word of their apprehension was sent to Paris, and one of the great tragicomic episodes of history was ended.³

Meanwhile, when the Assembly met on the morning of 21 June, 1789 it faced a new crisis—France was without a king. In an attempt to maintain public confidence until the royal family were located and brought back to the capital, it decreed their apprehension (37), provided for the maintenance of order, and, unable to obtain the necessary royal sanction for its enactments declared such enactments valid *without* the King's approval. This was substantially equivalent to suspending the sovereign!

At this point the proceedings of the deputies were interrupted in order that a memorandum left by the King might be introduced (38). Following the reading of the King's message, the Assembly called out the National Guard to meet any possible emergency; and, by way of lessening alarms in neighboring states, it issued a statement on foreign policy (39).

On the following day, 22 June, the Assembly learned of the arrest of the royal family. Couriers were dispatched immediately to supervise their return, and an “Address to the French People” was published to outline the details of what had occurred.¹¹ In anticipation of the return of the fugitives, the Assembly enacted a decree providing for their custody and future status (40).

Finally, on 25 June the return procession passed through the streets of the capital. Once more the royal family were returned to the Tuileries, this time *really* as prisoners.

The final phase of the Varennes incident may be said to have occurred with the issuance, on 27 June, of two explanatory “declarations,” one by the Queen, the other by the King (41). But the matter was by no means closed. The after-math was still to come.

37. Order for the Arrest of the Royal Family

21 June, 1791

SOURCE: Duvergier, v. 3, p. 53. See also: A. P., v. 27, p. 359 [slight variation from Duvergier]; *Moniteur*, 22 June, 1791, Rep., v. 8, p. 715; B. and R., v. 10, p. 246; Legg, v. 2, p. 58.

The idea of “arresting” the royal family was based on the “assumption” that they had been kidnaped. Such a fiction was adopted partly as a means of lessening panic in Paris, partly because the Assembly, lacking adequate proof of the King’s complicity, had no alternative.

The National Assembly orders the Minister of the Interior to dispatch messengers immediately into all the departments, with orders to all public functionaries and National Guards or troops of the line of the realm to detain or to have detained all persons whomsoever leaving the kingdom; and also to prevent all exportation of goods, arms, munitions, gold and silver specie, horses, carriages, and provisions. And, in case the said messengers encounter any members of the Royal Family and those who may have concurred in their abduction, the said public functionaries or National Guards and troops of the line shall be required to take all necessary measures to stop the said abduction, to prevent them from continuing their course, and then to render a complete account to the legislative body.

38. The King's Declaration

20 June, 1791

SOURCE: A. P., v. 27, pp. 378-383. See also: Legg, v. 2, pp. 43-58.

The excerpts here presented afford a view of the King's real sentiments on the Revolution. The declaration also constituted a counter-revolutionary manifesto to the French people, a gesture which went far toward establishing the King's duplicity. The document should be compared with the circular letter of 23 April, 1791.⁴

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As long as the King could hope to see order and the welfare of the kingdom regenerated by the means employed by the National Assembly, and by his residence near that assembly in the capital of the kingdom, no sacrifice mattered to him; . . . but today, when his sole recompense for so many sacrifices consists of seeing the monarchy destroyed, all powers disregarded, property violated, personal security everywhere endangered, crimes unpunished, and total anarchy taking the place of law, while the semblance of authority provided by the new Constitution is insufficient to repair a single one of the ills afflicting the kingdom, the King, having solemnly protested against all the acts issued during his captivity, deems it his duty to place before Frenchmen and the entire universe the picture of his conduct and that of the government which has established itself in the kingdom.

[He then reviews the events of July and October, 1789, justifies his own actions, complains of the condition of the Tuileries, protests the replacement of his bodyguard by a detachment of the Paris National Guard, and declares that he has been virtually a prisoner.]

But the more sacrifices the King made for the welfare of his people, the more the rebels labored to disparage the value thereof, and to present the monarchy under the most false and odious colors.

The convocation of the Estates General, the doubling of the deputies of the third estate, the King's efforts to eliminate all difficulties which might delay the meeting of the Estates General and those which

arose after its opening, all the retrenchments which the King made in his personal expenses, all the sacrifices which he made for his people in the session of 23 June, finally, the union of the orders, effected by the King's wish, a measure which His Majesty then deemed indispensable for the functioning of the Estates General, all his anxiety, all his efforts, all his generosity, all his devotion to his people —all have been misjudged, all have been misrepresented.

The time when the Estates General, assuming the name of National Assembly, began to occupy itself with the constitution of the kingdom, calls to mind the memoirs which the rebels were cunning enough to have sent from several provinces, and the movements of Paris to have the deputies disregard one of the principal clauses contained in their *cahiers*, namely that providing that *the making of the laws should be done in concert with the King*. In defiance of that clause, the assembly placed the King entirely outside the constitution by refusing him the right to grant or to withhold his sanction to articles which it regarded as constitutional, reserving to itself the right to include in that category those which it deemed suitable; and for those regarded as purely legislative, reducing the royal prerogative to a right of suspension until the third legislature, a purely illusory right as so many examples prove only too well.

What remains to the King other than a vain semblance of monarchy? . . .

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Let us, then, examine the several branches of the government.

***Justice.* The King has no share in making the laws; he has only the right to obstruct, until the third legislature, matters which are not regarded as constitutional, and to request the National Assembly to apply itself to such and such matters, without possessing the right to make a formal proposal thereon. Justice is rendered in the name of the King . . . ; but it is only a matter of form . . . One of the most recent decrees of the Assembly deprived the King of one of the finest prerogatives everywhere associated with monarchy, that of pardoning and commuting penalties. . . . Moreover, this provision lessens royal majesty in the eyes of the people, so long accustomed to having recourse to the King in their needs and difficulties, and to seeing in him the common father who can relieve their afflictions!**

***Internal Administration.* There is entirely too much authority in the hands of the departments, districts, and municipalities, which impede the working of the machine, and may often thwart one another. All these bodies are elected by the people, and are not under the jurisdiction of the government, according to law, except for the execution of decrees or for those special orders which are the consequence thereof. . . . Moreover, these bodies have acquired little influence and esteem. The Societies of the Friends of the Constitution ... are often more powerful, and, consequently, the action of the government is of no effect. . . .**

According to decrees, the disposition of military forces is in the hands of the King. He has been

declared the supreme head of the army and navy; but all the work of constituting these two forces has been done by committees of the assembly without the participation of the King; everything, even the slightest regulation of discipline, has been effected by them; . . . What becomes of an army when it no longer has leaders or discipline? Instead of being the power and safeguard of a state, it becomes the terror and scourge thereof. . . .

Foreign Affairs. Appointment to ministerial posts at foreign courts and the conduct of negotiations have been reserved to the King; but the King's liberty in such appointments is as void as for those of officers in the army; . . . The revision and confirmation of treaties, which is reserved to the National Assembly, and the nomination of a diplomatic committee absolutely nullify the second provision. . . .

Finances. The King declared, even before the convocation of the Estates General, that he recognized the right of the assemblies of the nation to grant subsidies, and that he no longer wished to tax the people without their consent. All the *cahiers* of the deputies to the Estates General were agreed in placing the re-establishment of the finances foremost among matters to be dealt with by that assembly; some imposed restrictions in favor of articles to be given priority. The King eliminated the difficulties which such restrictions might have occasioned, by taking the matter in his own hands and granting, in the session of 23 June, everything that was desired. On 4 February' 1790, the King urged the assembly to take effective action on such an important matter;¹³ it has done so

only recently . . . There is still no exact statement of receipts and expenditures . . . The ordinary taxes are at present greatly in arrears, and the extraordinary expedient of the first one billion, two hundred millions in *assignats* is almost exhausted. . . . The regulation of funds, the collection of taxes, the assessment among the departments, the rewards for services rendered, all have been removed from the King's supervision. ...

Finally, decrees have pronounced the King supreme head of the administration of the kingdom; other subsequent enactments have regulated the organization of the ministry so that the King . . . may change nothing therein without new decisions of the assembly.

This form of government, so vicious in itself, is becoming still more so for several reasons. 1st, The assembly, through its committees, constantly exceeds the limits it has prescribed for itself; it devotes itself to matters dealing only with the internal administration of the kingdom and with that of justice, and thus it acquires all authority; through its Committee on Investigations it even exercises a veritable despotism, more barbarous and insufferable than any ever known to history.

2nd, There exist in almost all the cities, and even in some towns and villages, of the kingdom associations known under the name of Friends of the Constitution. Contrary to the tenor of the law, they do not tolerate any others not affiliated with them; they constitute an immense corporation, more dangerous than any that formerly existed.

Without being authorized thereto, and even in defiance of all decrees, they deliberate upon all

questions of government, correspond among themselves upon all matters, make and receive declarations, post decrees, and have acquired such a preponderance that all the administrative and judicial bodies, not even excepting the National Assembly itself, usually obey their orders.

The King does not think it possible to govern a kingdom of such great extent and importance as France through the means established by the National Assembly, as they exist at present. His Majesty, in granting to all decrees, without distinction, a sanction which he well knew could not be refused, was influenced by a desire to avoid all discussion, which experience has shown to be useless to say the least; he feared, moreover, that he would be suspected of wishing to retard or to bring about the failure of the efforts of the National Assembly, in the success of which the nation took so great an interest; he placed his confidence in the wise men of that assembly . . .

¹³ In the speech, presumably on behalf of the Revolution [A. P., v. 11, pp. 429-431].

But the closer the Assembly draws to the end of its labors, the more we see the wise men losing their influence, the more we see measures which only render difficult or even impossible the carrying on of government, and daily engender increasing mistrust and disfavor toward it. Other regulations, instead of applying healing balm to the wounds which still bleed in several provinces, only aggravate the discontent and embitter the malcontents. The spirit of the clubs dominates and pervades everything; thousands of calumniating

and incendiary newspapers and pamphlets, distributed daily, are simply their echoes, and prepare men to think as they wish them to. The National Assembly has never dared remedy that licence, so far removed from true liberty; it has lost its influence and even the force which it would need to retrace its steps and to change whatever it would seem desirable to correct. We judge from the spirit which prevails in the clubs, and from the manner in which they make themselves masters of the new primary assemblies, what is to be expected from them; and if they show any inclination to revise anything, it is in order to destroy the remainder of the monarchy and to establish a metaphysical and philosophical government which would be impossible to operate.

Frenchmen, is that why you sent your representatives to the National Assembly? Would you want the anarchy and despotism of the clubs to supplant the monarchical government under which the nation has prospered for fourteen hundred years? Would you want to see your King overwhelmed with insults and deprived of his liberty, while he devotes himself entirely to the establishment of yours?

Love for their kings is one of the virtues of Frenchmen, and His Majesty has personally received too many touching proofs thereof ever to be able to forget them. The rebels are well aware that, so long as this love abides, their work can never succeed; they know, likewise, that in order to enfeeble it, it is necessary, if possible, to destroy the respect which has always accompanied it; and that is the source of the outrages which the King has experienced during

the past two years, and of all the ills which he has suffered. His Majesty would not here delineate the distressing picture of these if he did not wish to make known to his faithful subjects the spirit of these rebels who would rend the bosom of their *Patrie*, while feigning to desire its regeneration.

[Then follows another summary of events from the opening of the Estates General, with special emphasis on the arrest of the King's aunts and the Saint-Cloud affair.]

In view of all these facts and the King's present inability to effect the good and prevent the evil that is perpetrated, is it astonishing that the King has sought to recover his liberty and to place himself and his family in safety?

Frenchmen, and especially you Parisians, you inhabitants of a city which the ancestors of His Majesty were pleased to call the good city of Paris, distrust the suggestions and lies of your false friends. Return to your king; he will always be your father, your best friend. What pleasure will he not take in forgetting all his personal injuries, and in beholding himself again in your midst, when a constitution, freely accepted by him, shall cause our holy religion to be respected, the government to be established upon a firm foundation and made useful by its functioning, the property and position of every person no longer to be disturbed, the laws no longer to be violated with impunity, and, finally, liberty to be established on firm and immovable foundations.

Signed, Louis

Paris, 20 June, 1791.

[Appended to the King's declaration was the following admonition which seems to indicate that he fully intended to return, possibly with troops, to disperse the Assembly. At any rate, he wished all state activities to be suspended temporarily.]

The King forbids his Ministers to sign any order in his name until they have received further instructions; he enjoins the Keeper of the Seal of State to send the Seal to him when required so to do.

Signed, Louis

Paris, 20 June, 1791.

39. Declaration of French Foreign Policy

21 June, 1791

SOURCE! Duvergier, v. 3, p. 52. See also: A. P., v. 27, p. 386.

In addition to indicating the Assembly's desire to lessen whatever alarm other states might feel concerning the Varennes episode, this document also indicates a further step in the Assembly's assumption of the full powers of government.

*** * ***

The National Assembly, the King being absent, orders the Minister of Foreign Affairs to inform the ambassadors and ministers of foreign powers now residing in Paris, as well as the ambassadors of France in foreign states and kingdoms, of the desire

of the French nation to continue with the said states and kingdoms the relations of friendship and good understanding which have existed heretofore, and to instruct the said ambassadors and residents for the powers that they are to remit to M. de Montmorin the official notes with which they are entrusted by the respective princes and states.

40. Decree concerning the Royal Family

24 June, 1791

SOURCE: Duvergier, v. 3, p. 64. See also: A. P., v. 27, pp. 517-521 *passim* [dated 25 June]; *Moniteur*, 26 June, 1791, Rep., v. 8, pp. 747-748; B. and R., v. 10, pp. 360-361; Legg, v. 2, pp. 87-88. [Both Legg and A. P. include an additional article providing for the publication of the decree.]

This decree was a formal admission that the members of the royal family now were actually prisoners, and that, by indirection, the King was suspended. The suspension continued until his acceptance of the Constitution in September, 1791.

*** * ***

1. As soon as the King has arrived at the Tuileries Palace, he shall be given a provisional guard which, under the orders of the general commanding the Parisian National Guard, shall watch over his safety and shall be accountable for his person.

2. The heir presumptive to the crown shall be given a special provisional guard, likewise under the orders of the commanding general, and a governor shall be named for him by the National Assembly.

3. All who accompanied the Royal Family shall be placed in custody and questioned; the declarations of the King and Queen shall be heard; all without delay, in order that the National Assembly may then make whatever decisions are deemed necessary.

4. A special provisional guard shall be given to the Queen.

5. Until otherwise ordered, the decree rendered the 21st of this month, enjoining the Minister of Justice to place the seal of State on decrees of the National Assembly without need of sanction or acceptance by the King,⁵ shall continue to be executed in all its provisions.

6. The Ministers, the Director of the Public Treasury (until the commissioners of the National Treasury take office), and the Commissioner of the King for the Special Bank are likewise authorized provisionally to continue, each in his department and under his responsibility, the functions of the executive power.

41. The King's Second Declaration

27 June, 1791

SOURCE: **A. P., v. 27, pp. 552-553. See also: B. and R., v. 10, p. 397; Lege**

v. 2, pp. 90-92. [Cf. *Moniteur*, 28 June, 1791, Rep., v. 8, pp. 768-769.] REFERENCE: For the Queen's Declaration see A. P., v. 27, p. 53.

The following excerpts from the King's second declaration should be compared with documents 36

and 38, *supra*. The sentiments expressed only contributed to the growing belief in the King's insincerity.

*** * ***

Declaration of the King

. . .

The outrages committed upon and the threats made against my family and myself on 18 April were the reasons for my departure. Since that time several writings have sought to provoke violence against myself and my family, and thus far these insults have gone unpunished. Thenceforth I felt that I lacked security and even decency so long as I remained in Paris.

Accordingly, I wished to leave that city. Being unable to do so publicly, I resolved to leave by night and unattended. I never intended to leave the kingdom; I had no agreement in that connection with either foreign powers or my relatives or any of the other Frenchmen who have left the kingdom.

I could give as proof of my intention the fact that lodgings were prepared at Montmedy for myself as well as for my family. I had chosen that place because, since it is fortified, my family would be secure there, and, since it is near the frontier, I would be in a better position to oppose any kind of invasion of France . . . and to betake myself wherever I thought there was danger. Finally, I chose Montmedy as my first place of retirement until such time as I found it wise to go to some other more suitable part of the kingdom.

One of my principal motives for leaving Paris was to vitiate the argument concerning my lack of liberty, which might furnish occasion for disturbances.

Had I intended to leave the kingdom, I should not have published my memoir the very day of my departure; I would have waited until

I was beyond the frontiers.

I always cherished the desire to return to Paris; it is in this sense that the last sentence of my memoir must be understood, in which it is said: *Frenchmen, and especially you Parisians, what pleasure would*

***I not derive from being among you!*^{lu}**

I had in my carriage only 13,200 *livres* in gold and 560,000 *livres in assignats* . . .

I apprised *Monsieur*¹⁰ of my departure only a short time beforehand; he proceeded into a foreign country only because he and I agreed that we should not follow the same route, and he was to return to France and be near me.

A few days before my departure, I had orders given to the three persons who were accompanying me as messengers to have messenger's clothes made for themselves because they were to be sent to carry dispatches. . . .

The passport was necessary to facilitate my journey; it was made out for a foreign country only because the department of foreign affairs does not issue any for the interior of the kingdom; and the

route indicated for Frankfort was not even followed in the journey.

I have never made any protest other than in the memoir which I left on my departure.

Even that protest, as the contents of the memoir attest, has no bearing on the fundamental principles of the Constitution, but only on the form of sanctions, that is to say, on the scant liberty which I seemed to enjoy, and on the fact that, since the decrees had not been presented together, I could not judge the Constitution as a whole. The principal objection contained in that memoir relates to difficulties in the methods of administration and execution.

During my journey I became aware that public opinion favored the Constitution. I had not believed that I could fully recognize such a public opinion in Paris; but, from the impressions which I personally acquired on the way, I was convinced of the necessity, even for the maintenance of the Constitution, of providing the established powers with authority in order that they might maintain public order.

¹⁵ See document 38, *supra*.

¹⁶ i.e., Louis' brother, the Comte de Provence.

As soon as I became cognizant of the general will, I did not hesitate in the least, as I have never hesitated, to make personal sacrifice for the happiness of the people, whose welfare I have always had at heart.

In order to assure the peace and felicity of the nation, I shall willingly forget all the unpleasantness which I may have suffered.

III. THE AFTERMATH OF VARENNES

The flight to Varennes was one of the most decisive events of the period of the National Constituent Assembly, if not of the entire Revolution. It forced the Assembly to assume full responsibility for the government of France, a state of affairs which was not to change merely because the King returned. In fact, never again during its remaining few months of existence did the monarchy actually have control of events in France.

The Varennes episode also increased and afforded justification for suspicion of the King. In its ultimate consequences it gave rise to manifestations on behalf of the establishment of a republic in France (42, 44), an ominous definition of abdication (43), and repressive legislation against opponents of the Revolution.¹⁷ Moreover, it contributed to the development of projects of intervention by foreign powers.

42. Placard Advocating Republicanism

1 July, 1791.

SOURCE: Conway, M. D., ed., *The Writings of Thomas Paine*, 4 v. (New York, 1899-1906), v. 3, pp. 1-3. [For the French version see B. and R., v. 10, pp. 449-450.] [Published here by permission of G. P. Putnam's Sons, New York.]

News of the flight of the King brought a deluge of petitions from the sections of Paris and the departments. Some demanded punitive measures; others called for the establishment of a republic. The Assembly felt, however, that the monarchy stood a good chance of survival. The only alternatives were a regency (under Orleans, or Artois, or Provence) *or* a republic (which might engender both civil and foreign war). It was with annoyance, therefore, that the deputies found this republican placard posted on the door of their meeting place.

The placard was one of the first serious republican manifestations of the revolutionary period. It was the work of Thomas Paine, who at the time was engaged in a heated newspaper controversy with Sieyes over the desirability of

¹⁷ See note 20, *infra*. republican government for France. The version posted on the door of the Assembly's Hall had been translated into French by Paine's friend Du Chatelet; the text given here is the original English draft. The placard was roundly denounced in the Assembly by Malouet.

*** * ***

Brethren and Fellow Citizens:

The serene tranquillity, the mutual confidence which prevailed amongst us, during the time of the late King's escape, the indifference with which we beheld him return, are unequivocal proofs that the absence of a King is more desirable than his presence, and

that he is not only a political superfluity, but a grievous burden, pressing hard on the whole nation.

Let us not be imposed on by sophisms; all that concerns this is reduced to four points.

He has abdicated the throne in having fled from his post. Abdication and desertion are not characterized by the length of absence; but by the single act of flight. In the present instance, the act is everything, and the time nothing.

The nation can never give back its confidence to a man who, false to his trust, perjured to his oath, conspires a clandestine flight, obtains a fraudulent passport, conceals a King of France under the disguise of a valet, directs his course towards a frontier covered with traitors and deserters, and evidently meditates a return into our country, with a force capable of imposing his own despotic laws.

Should his flight be considered as his own act, or the act of those who fled with him? Was it a spontaneous resolution of his own, or was it inspired by others? The alternative is immaterial; whether fool or hypocrite, idiot or traitor, he has proved himself equally unworthy of the important functions that had been delegated to him.

In every sense in which the question can be considered, the reciprocal obligation which subsisted between us is dissolved. He holds no longer any authority. We owe him no longer obedience. We see in him no more than an indifferent person; we can regard him only as Louis Capet.

The history of France presents little else than a long series of public calamity, which takes its source from the vices of Kings; we have been the wretched victims that have never ceased to suffer either for them or by them. The catalogue of their oppressions was complete, but to complete the sum of their crimes, treason was yet wanting. Now the only vacancy is filled up, the dreadful list is full; the system is exhausted; there are no remaining errors for them to commit; their reign is consequently at an end.

What kind of office must that be in a government which requires for its execution neither experience nor ability, that may be abandoned to the desperate chance of birth, that may be filled by an idiot, a madman, a tyrant, with equal effect as by the good, the virtuous, and the wise? An office of this nature is a mere nonentity; it is a place of show, not of use. Let France, then, arrived at the age of reason, no longer be deluded by the sound of words, and let her deliberately examine, if a King, however insignificant and contemptible in himself, may not at the same time be extremely dangerous.

The thirty millions which it costs to support a King in the eclat of stupid brutal luxury, presents us with an easy method of reducing taxes, which reduction would at once relieve the people, and stop the progress of political corruption. The grandeur of nations consists, not, as Kings pretend, in the splendour of thrones, but in a conspicuous sense of their own dignity, and in a just disdain of those barbarous follies and crimes which, under the sanction of Royalty, have hitherto desolated Europe.

As to the personal safety of Louis Capet, it is so much the more confirmed, as France will not stoop to degrade herself by a spirit of revenge against a wretch who has dishonoured himself. In defending a just and glorious cause, it is not possible to degrade it, and the universal tranquillity which prevails is an undeniable proof that a free people know how to respect themselves.

43. Decree Determining Abdication

15-16 July, 1791

SOURCE Duvergier, v. 3, pp. 111—112. See also: A. P., v. 28, p. 377 [lacks articles 5-9].

Committees appointed to investigate the flight to Varennes incriminated Bouille and others, but exonerated the royal family. Despite opposition, the Assembly decided to retain Louis in a state of suspended power until the Constitution was completed. This decree, which effected that objective and provided penalties in future cases of irregularity, represented a compromise. The deputies made a nice distinction between forfeiture and impunity. Without impunity for the King there could be no inviolability; without inviolability there could be no hereditary monarchy. The principles of abdication here enunciated were later incorporated in the Constitution. The decree gave Louis another chance to justify his retention of power.

*** * ***

1. If the King, after having taken his oath to the Constitution, retracts it, he shall be deemed to have abdicated.

2. If the King places himself at the head of an army to direct forces against the nation, or if he orders his generals to execute such a project, or, finally, if he does not oppose by a formal statement every act of such type executed in his name, he shall be deemed to have abdicated.

3. A King who has abdicated, or who is deemed to have done so, shall revert to the status of ordinary citizen, and shall be chargeable, according to the usual forms, with all offences subsequent to his abdication.

4. The effect of the decree of the 25th of last month, suspending the exercise of the royal functions and of the functions of the executive power in the hands of the King,¹⁸ shall prevail until, the Constitution completed, the entire constitutional act has been presented to the King.

[Articles 5-9 provide for the punishment of Bouille and his accomplices by trial before the National High Court at Orleans, for the detention of others concerned with the escape until otherwise decreed by the Assembly, and for the liberation of the King's equerry and the ladies-in-waiting to the Dauphin and Mme. Royale.]

44. Petitions of the Champ de Mars

16 and 17 July, 1791

SOURCE: Aulard, F. V. A., ed., *La société des Jacobins. Recueil de documents pour*

***l'histoire du club des Jacobins de Paris*, 6 v. (Paris, 1889-1897), v. 3, pp. 19-20 [used here by permission of J.**

Vrin, Paris]; and B. and R., v. 11, pp. 114-115 [text mistakenly dated 13 July]. See also: Legg, v. 2, pp. 100-101, 106-107.

The decision to absolve Louis XVI caused resentment among the radicals who had been demanding deposition and a republic. On 15 July a crowd had gathered at the Champ de Mars and approved a petition requesting the Assembly to hold a referendum on the King's fate. The next day a Jacobin petition protesting the exoneration of the royal family was presented, but was rejected as unsatisfactory, and, following news of the decree on abdication, it was sup-

¹⁸i.e., 24 June; see document 40, *supra*. pressed. On 17 July .another assemblage at the Champ de Mars drafted a third petition protesting the Assembly's action concerning the King. The petitions of 16 and 17 July appear herewith.

During the signing of the petition of 17 July, Bailly, Lafayette, and a troop of National Guards arrived to maintain order. Attacked by the petitioners, the troops fired on them and ultimately dispersed them.¹⁹ This "Massacre of the Champ de Mars" widened the gap between liberals and conservatives in the Assembly. Some radicals were arrested, others fled, the more conservative Jacobins seceded and formed the Feuillant Club, and the Assembly resorted to repressive legislation.²⁰

*** * ***

[16 July, 1791]

The undersigned Frenchmen, members of the sovereign people, considering that in matters relative to the safety of the people it has a right to express its will to enlighten and guide its mandatories;

That no more important question has ever arisen than that of the King's desertion;

That the decree of 15 July contains no provision relative to Louis XVI;²¹

That in obeying the said decree it is necessary to legislate immediately concerning the future of this individual, and that his conduct must constitute the basis of such action;

That Louis XVI, after having accepted royal duties and sworn to defend the Constitution, has deserted the post entrusted to him, has protested against that very Constitution in a declaration written and signed in his own hand, has attempted, by his flight and by his orders, to paralyze the executive power and overthrow the Constitution by his complicity with men who today are accused of that crime;

That his perjury, his desertion, his protest, to say nothing of all the other criminal acts which have preceded, accompanied, and succeeded them, entail formal abdication of the constitutional crown entrusted to him;

That the National Assembly has so judged in assuming the executive power, suspending the powers of the King, and holding him in custody;

¹⁹ The action of Bailly and Lafayette represented the first serious effort to apply the decree of 21 October, 1789, on martial law [see document 19, *supra*],

'²⁰ On 18 July a decree on sedition was issued [Duvergier, v. 3, p. 114] and on 1 August a decree ordering *emigres* to return to France. The latter was designed to check the emigration of army officers and to take a definite stand on the status of *emigres*. It was one of the first of a long series of such enactments.

²¹ See document 43, *supra*.

That further promises on the part of Louis XVI to observe the Constitution could not offer the nation a sufficient guarantee against further perjury and a new conspiracy;

Considering, finally, that it would be as contrary to the dignity as to the interest of the outraged nation to entrust the control of the realm henceforth to a perjurer, traitor, and fugitive:

Formally and particularly demand that the National Assembly receive, in the name of the nation, the abdication made on 21 June by Louis XVI of the crown delegated to him, and provide for his replacement by constitutional means;

Declaring that the undersigned will never recognize Louis XVI as their king, unless the majority of the nation expresses a desire contrary to that of the present petition.

[17 July, 1791]

You were nearing the end of your labors. Ere long, successors, all elected by the people, were to follow in your footsteps without encountering the obstacles which the deputies of the two privileged orders, inevitable enemies of all principles of holy equality, presented to you. A monstrous crime was committed; Louis XVI fled; he infamously abandoned his position; the realm was on the brink of anarchy. Citizens stopped him at Varennes; he was brought back to Paris. The people of this capital urgently request that you make no pronouncement on the fate of the culprit until you ascertain the will of the eighty-three other departments. You defer; a profusion of addresses reaches the Assembly; all sections of the realm simultaneously demand that Louis be tried. You, Gentlemen, have judged in advance that he was innocent and inviolable by declaring in your decree of yesterday²² that the constitutional charter will be presented to him when the constitution has been completed. Legislators! This was not the will of the people, and we had thought that your greatest glory, even your duty, consisted in being the agents of the public will. Without doubt, Gentlemen, you have been won over to this decision by that group of refractory deputies who protested in advance against any kind of constitution. But, Gentlemen, Representatives of a generous and confident people, recall that these two hundred and thirty protestants no longer had a voice in the National Assembly, that the

²² Document 43, *supra*. decree is therefore null in both form and substance; null in fact because it is contrary to the will of the sovereign; null in substance because it was carried by two hundred and ninety unqualified individuals. These considerations,

all aspects of the general welfare, the urgent desire to avoid the anarchy to which the lack of harmony between the representatives and those represented would expose us— everything dictates that we demand that you, in the name of all France, alter your views respecting this decree, take into consideration that the crime of Louis XVI is substantiated, that this King has abdicated, receive his abdication, and convoke a new constituent power to proceed in a really national manner to the trial of the culprit, and, above all, to his replacement and the organization of a new executive power.

IV. THE EUROPEAN POWERS AND THE THREAT OF INTERVENTION

The rulers of European states had not responded favorably to the appeals of either the *emigres* or the Court party. Some felt that France might weaken herself to the point where she would be ready for partitioning; others viewed the Revolution simply as a domestic affair of no international consequence. For the moment Poland and Turkey were of much greater concern to them than was France.

From 1790 on, however, circumstances were to produce a profound change in this point of view. One of the most important of these circumstances was the accession, in 1790, of a new Emperor, Leopold, following the untimely death of his brother Joseph. When, in the Spring of 1791, he received word from his sister, Marie Antoinette, of the impending flight of the royal family, he convened a secret conference at Mantua. Austria, Spain, Prussia, and several of the lesser German states

were represented, and a general agreement to aid the French King was reached.

Not until after Varennes, however, was any definite result of the Mantua Conference forthcoming. The King had almost immediately resumed his secret appeals for aid, and in July Leopold endeavored to implement the Mantua agreement by issuing a secret circular from Padua, inviting the sovereigns of the leading European states to participate in joint action against the French Revolution (45). The indifferent response which the European powers afforded the Circular, plus the insistence of the *e* leaders, caused Leopold to resort to “face-saving,” which he managed to accomplish through the “open” Declaration of Pillnitz (46).

Almost another year was to pass, however, before the possibility of European intervention in French affairs became a reality—and by that time the monarchy had fallen! Meanwhile, during the Spring and Summer of 1791, the Constituent Assembly continued its debates on the Constitution.

45. The Padua Circular

5 July, 1791

SOURCE: **Feuillet de Conches, Felix S.**, ed., *Louis XVI, Marie-Antoinette et*

Madame Elisabeth; lettres et documents inSdits, **6 v.** (Paris, 1864—1873), V. 3, pp.

388-390 [for first part of Circular]. The “Plan” is taken from **Vivenot, Alfred, Ritter von**, ed., *Quellen*

zur Geschichte der deutschen Kaiserpolitik Oesterreichs . . .
, 5 v. (Vienna, 1873-1890), v. 1, pp. 186-187 [the Circular is on pp. 185-186].

The contents of this Circular were an amplification and formal presentation of principles already suggested by Leopold in his communications with other European rulers. At the time the French suspected him of such action, but they had no knowledge of the Circular itself. With the exception of Prussia, the European powers gave the document a cool reception.

*** * ***

I am sure Your Majesty will have learned of the unprecedented outrage of the arrest of the King of France, of my sister the Queen, and of the Royal Family with as much surprise and indignation as I have, and that your sentiments cannot differ from mine with regard to an event which, inspiring fear of still more dreadful ones to follow, and placing the seal of illegality upon previous excesses in France, immediately compromises the honor of all sovereigns and the security of all governments.

Determined to fulfill my obligation to these considerations, both as chosen head of the Germanic body and as Sovereign of the Austrian states, I propose to the Kings of Spain, England, Prussia, Naples, and Sardinia, as well as to the Empress of Russia, a union among themselves and with me for counsel, co-operation, and measures to restore the liberty and honor of the Most Christian King and his family, and to limit the dangerous extremes of the French Revolution.

The foremost exigency appears to be our immediate co-operation in having our ministers in France deliver a common declaration, or numerous similar and simultaneous declarations, which may tend to curb the leaders of the violent party and forestall desperate decisions. This will still leave them an opportunity for honest repentance and the peaceful establishment in France of a regime which will preserve at least the dignity of the crown and the essentials of general tranquillity.

And I propose to Your Majesty for such purpose the plan annexed hereto, and which appears to me satisfactory therefor.

But, since the success of such a declaration is problematical, and since complete success can be assured only in so far as we are prepared to support it by sufficiently worthy means, my Minister to Your Majesty will receive at once the necessary instructions to discuss with your Minister such agreement on vigorous measures as circumstances may require; intending to have him inform you also concerning the replies of the other powers as soon as I have received them.

I regard it as an infinitely precious advantage that the dispositions which they all manifest for the re-establishment of peace and harmony give promise of eliminating the obstacles which might be detrimental to unanimity of views and sentiments concerning an event so closely associated with the welfare of all Europe.

***Signed,* LEOPOLD**

Plan of the Common Declaration

Padua, 5 July, 1791.

The undersigned are charged with making known, on the part of their respective sovereigns, the following:

That, notwithstanding the notorious deeds of constraint and violence which have preceded and succeeded the acts of consent granted by the King of France to the decrees of the National Assembly, they had nevertheless still wished to withhold their opinion concerning the degree to which such consent represented, or did not represent, the conviction and free will of His Most Christian Majesty; but the effort undertaken by that prince to set himself at liberty, being a most certain proof of the state of confinement in which he found himself, no longer left any doubt that he had been forced to do violence to his religion in several respects, at the same time that the last outrage, the formal arrest of Him and of the Queen, the Dauphin, and Madame Elizabeth, inspires legitimate fears concerning the ulterior undertakings of the dominant party.

That the said sovereigns, unable to delay any longer the manifestation of sentiments and resolutions which, under the circumstances the honor of their crowns, the ties of blood, and the maintenance of the public order and peace of Europe require of them, have ordered their undersigned ministers to declare:

That they demand that this prince and his family be set at liberty immediately, and that they claim for all

said royal persons the inviolability and respect which the law of nature and of men imposes upon subjects towards their princes;

That they will unite in order to avenge in a forceful manner any future outrages which may be committed, or may be allowed to be committed, against the security, the person, and the honor of the King, the Queen, and the Royal Family.

That, finally, they will recognize as law and constitution legally established in France only those [measures] which they find bearing the voluntary approval of the King, in the enjoyment of perfect liberty; but that, in the contrary case, they will employ in concert all the means within their power to bring to an end the scandal of an usurpation of power which bears the character of an open revolt, and the disastrous example of which it is important for all governments to check.

46. The Declaration of Pillnitz

27 August, 1791

SOURCE: Martens, v. 5, p. 260. See also: Legg, v. 2, p. 127; Vivenot, *op. cit.*

***supra* [document 45], v. 1, p. 234.**

The signers of this Declaration were sufficiently vague to make possible evasion of their commitments, and not sufficiently threatening to engender serious alarms in France. Yet, despite the qualifying phrases employed in the document, when Artois and Provence added an inflammatory letter,²³ French suspicion of the monarchy was heightened,

French enmity towards the European powers intensified.

*** * ***

His Majesty the Emperor and His Majesty the King of Prussia, having heard the requests and representations of Monsieur²⁴ and M. le Comte d'Artois, jointly declare that they regard the present position of His Majesty the King of France as a matter of common concern to all the sovereigns of Europe. They trust that the powers whose aid is supplicated will not fail to recognize this fact; and that, accordingly, they will not refuse to co-operate with their said Majesties in employing, in proportion to their forces, the most effective means for enabling the King of France to consolidate with complete freedom the foundations

²³ See Legg, v. 2, pp. 128-136.

²⁴ i.e., the Comte de Provence. of a monarchical government, equally suited to the rights of sovereigns and the welfare of the French nation. In which case their said Majesties, the Emperor and the King of Prussia, are resolved to act promptly, in mutual accord, with the forces necessary to attain the proposed common objective.

In the meantime, they will give their troops such orders as are necessary to have them ready for active service.

LEOPOLD FREDERICK WILLIAM

Pillnitz, 27 August, 1791.

V. THE LATER DEBATES ON THE CONSTITUTION

By the opening of 1791 the essentials of the Constitution had been established. There remained little more than the work of co-ordinating and revising the component parts.

The debates accompanying this work were acrimonious, largely owing to suspicion on the part of the radicals that the moderate deputies were endeavoring to strengthen the position of the monarchy. Robespierre led the attack, and his efforts in two instances merit attention. On 7 April, 1791, he obtained approval of a motion limiting further the possibility of a deputy's obtaining ministerial office.⁶ And on 16 May, 1791, at his instigation the Assembly passed the famous "self-denying" ordinance, providing that no member of the National Constituent Assembly might be eligible for election to the new legislature. Robespierre and his associates believe that this restriction would save the new assembly from the machinations of reactionary obstructionists. Conservatives and moderates, in turn, believed that it would rid the Assembly of the troublesome radicals. In either case it was a blunder, for it deprived the subsequent legislature of the wisdom and experience of the men who had brought the Revolution into being.

On 28 May the deputies indicated the extent to which the work of completing the Constitution was progressing by passing a decree providing for the elections to the new legislature (47). The flight to Varennes interrupted both the elections and the work on the Constitution. The former were resumed late in August; the latter was fundamentally

affected. Demands by a small republican minority for deposition of the King alarmed the constitutionalists. They still controlled the legislature, however, and with the aid of some worried conservatives they put the finishing touches to the Constitution. These touches included some decidedly conservative revisions, including provisions to strengthen the royal power and restrict that of the masses. Doubtless the constitutionalists believed that they were completing the Revolution. The radicals, on the other hand, considered that the Revolution would not be complete until democratic forms had been achieved. In this cleavage between those who felt that the Revolution was over and those who felt that it had only begun is to be found the source of the violent dissensions of the ensuing years.

Finally, on 3 September, 1791, the Constitution was declared completed.

47. Decree relative to the Convocation of the Next Legislature

28 May, 1791

SOURCE: Duvergier, v. 2, pp. 391-393. See also: A. P., v. 26, pp. 507-509, 580-583 [gives Title II in 17 articles and lacks last article]; H61ie, pp. 236-239 [lacks part of article 5 of Title I]; Legg, v. 2, pp. 29-32 [lacks last article]. REFERENCES: See documents 3, 20, 21, *supra*; 48, *infra*.

This decree set in motion the electoral machinery whereby the 4,250,000-odd voters might choose electors and deputies. Subsequent reduction of the

qualifications for active citizenship took place too late to have any practical effect, but an increase in the property qualifications of electors contributed to making the legislature pretty much the possession of the propertied classes.

*** * ***

TITLE I

CONVOCATION OF THE FIRST LEGISLATURE

1. The departmental *procureurs-generaux* shall enjoin the district *procureurs-syndics* to convoke, between the 12th and the 25th of June of the present year, the active citizens of the entire kingdom in primary assemblies to choose new electors, without, however, dispensing with the execution of the law which orders an interval of one week between the convocation and the session of the primary assemblies, and without permitting the primary assemblies of one and the same department to begin on different days.

2. The electors shall assemble in the chief town of the department within the twelve days following that indicated by the departmental directory for the beginning of the primary assemblies; there they shall proceed to the election of deputies to the legislative body, and, in conformity with the law, they shall hold whatever elections may supervene until the formation of the electoral body in the month of March, 1793.

3. Since the active population of the entire kingdom at present is 4,298,360 citizens, the quota of 17,262 shall send one deputy, and the portions

shall be divided into thirty-sixths. Every department in which the portion of the active population exceeds the total number of the common divisor by seventeen thirty-sixths shall have one more deputy in proportion to its population.

4. The decree rendered in today's session on the assessment of the *contribution fonciere* and the *contribution mobiliere* for the year 1791 ²⁰ shall serve as a basis for reducing the number of deputies which each department is to send to the first legislature in proportion to its direct taxes.

5. According to the two preceding articles and the statements of active population and direct taxation annexed to the report, the eighty-three departments of the kingdom shall send to the legislative body the following number of deputies, to wit: Ain, 6 deputies; Aisne, 12; Allier, 7; Alpes (Hautes), 5; Alpes (Basses), 6; Ardeche, 7; Ardennes, 8; Ariege, 6; Aube, 9; Aude, 8; Aveyron, 9; Bouches-du-Rhone, 10; Calvados, 13; Cantal, 8; Charente, 9; Charente-Inferieure, 11; Cher, 6; Correze, 7; Corsica, 6; Cotes-d'Or, 10; Cotes-du-Nord, 8; Creuse, 7; Dordogne, 10; Doubs, 6; Drome, 7; Eure, 11; Eure-et-Loir, 9; Finistere, 8; Gard, 8; Garonne (Haute), 12; Gers, 9; Gironde, 12; Herault, 9; Ile-et-Vilaine, 10; Indre, 6; Indre-et-Loire, 8; Isere, 9; Jura, 8; Landes, 6; Loir-et-Cher, 7; Loire (Haute), 7; Loire-Inferieure, 8; Loiret, 9; Lot, 10; Lot-et-Garonne, 9; Lozere, 5; Maine-et-Loire, 11; Manche, 13; Marne, 10; Marne (Haute), 7; Mayenne, 8; Meurthe, 8; Meuse, 8; Morbihan, 8; Moselle, 8; Nièvre, 7; Nord, 12; Oise, 12; Orne, 10; Paris, 24; Pas-de-Calais, 11; Puy-de-Dome, 12; Pyrenees (Hautes), 6; Pyrenees (Basses), 6; Pyrenees-Orientales, 5; Rhin (Haut), 7; Rhin (Bas), 9; Rhone-et-

Loire, 15; Saone (Haute), 7; Saone-et-Loire, 11; Sarthe, 10; Seine-et-Oise, 14; Seine-Inferieure, 16; Seine-et-Marne, 11; Sevres (Deux), 7; Somme, 13; Tarn, 9; Var, 8; Vendee, 9; Vienne, 8; Vienne (Haute), 7; Vosges, 8; Yonne, 9. Total 745.

6. When the departmental electoral assemblies constituted by virtue of the present decree have elected the members of the legislature, they shall elect the two high jurors who are to serve at the National High

Court.

7. Departments which have not chosen the president, prosecutor, and clerk of the criminal court established by the decrees on the [7](#)

jury,²⁷ shall proceed to such election immediately after the election of deputies to the legislative body.

8. Immediately after the election of all the members of the legislative body, the National Assembly shall determine the date of its adjournment and of the opening of the legislature.

TITLE II

PROVISIONS CONCERNING THE METHOD OF ELECTION AND THE DEFINITE TIME OF ELECTIONS AND

REPLACEMENTS

1. In cantons where no place is established for holding the primary assemblies, the district directories are authorized to designate the place which appears most suitable.

2. Henceforth the value of a day's labor shall be determined for each district by the departmental directory, on the proposal of the district directory, in conformity with article 11 of the decree of 13 January-18 February of the present year,²⁸ notwithstanding the temporary provision contained in the decree of 11 February, 1790,²⁹ which remains abrogated. Such establishment shall take place during the month of January; it shall continue for six years, and no more changes may be made therein until six years thereafter at the same time. Every six years the legislative body shall establish the *minimum* and *maximum* of the local value of a day's labor.

3. No increase may be made in 'the quota of taxes of a taxpayer, except upon authorization of the departmental directory, and in conformity with the laws on the *contribution fonciere* and the *contribution mobiliere*.³⁰

4. Dating from the day of publication of the present decree, the temporary provision contained in article 20 of section 1 of the decree of 22 December, 1789, is abrogated.³¹ The electors shall be chosen by simple *scrutin de liste*, and by three ballotings if necessary; in no case henceforth shall there be double *scrutin de liste*.

5. The electoral assemblies shall begin promptly, and the absence

²⁷ This undoubtedly refers to the decree on criminal justice and the establishment of juries, completed 16 September, 1791 [Duvergier, v. 3, pp. 289-304],

²⁸**Decree on the *contribution mobiliere* [Duvergier, v. 2, pp. 151-164].**

²⁹ **Decree concerning the determination of the value of a day's labor [Duveraier v. 1, p. 100],**

³⁰**See note 28, *supra*; and decree of 28 June, 1791 [Duvergier, v. 3, pp. 66-68],**

³¹ **Document 21, *supra*. of some electors may not retard the operations thereof. Electors arriving thereafter, with credentials in order, shall be admitted at once.**

6. Each and every department, whatever its active population or direct tax, shall elect at least one deputy in proportion to its population, and another in proportion to its direct tax.

7. If, in the legislature's allocation of the deputies assigned to the eighty-three departments in proportion to active population, the common divisor applied in detail to each department does not yield the sum total of 249 deputies for all the departments together, each of the departments possessing fractions in excess of the largest quota of active population shall elect one more deputy, up to the number of

249.

8. Such basis of calculation shall be followed in apportioning among the eighty-three departments the 249 deputies assigned on the basis of the direct tax of the entire kingdom.

9. Every agreement to distribute the deputies to the legislative body among the districts, or to choose them successively among the districts, shall render the elections invalid.

10. Possessors of real property who, because of drainage, clearing, or other improvements, are to enjoy, for a limited time, a reduction in their *contribution fonciere*, shall be considered, with regard to activity and eligibility, as taxed one-sixth of the net revenue from such property.

11. The election of alternates to the legislative body shall be effected by individual ballot and absolute majority of votes, notwithstanding the temporary provision of article 33 of the decree cited in article 4, which remains abrogated.

12. The electors, after having chosen the deputies to the legislature, shall proceed to the replacement of one-half of the members of the departmental and district administrations. The interval, whatever it may be, since the nomination of these latter shall be counted as two years; and the subsequent interval until the elections of 1793 likewise shall be counted as two more years.

13. Considering that the members of the departmental and district administrations, whose terms expire according to the provisions of the preceding article, will not have completed two full years, they may be re-elected for this time only, article 6 of the decree of 15-27 March last notwithstanding.⁸

14. The present *procureurs-generaux-syndics* and *procureurs-syn-*

***dies* of the entire kingdom shall retire in 1793 if they are not reelected.**

15. Henceforth, the justices of the peace and their assistants in each and every canton shall be elected at the time of the primary assemblies in the month of March, and re-election or replacement of those at present in office shall not be undertaken until 1793.

16. With the exception of the City of Paris, an exception which may be extended by the departmental directories to all cities of more than 60,000 inhabitants, the commercial judges shall be elected annually in the month of November, after the renewal of one-half of the municipal officials. None of the commercial judges who has been, or who may be, chosen by virtue of the law of 16-24 August, 1790,³³ may be replaced, either before the month of November of the following year or before the period established for the time of such election in the City of Paris.

17. The president of the criminal court and the public prosecutor shall be elected immediately after the election of the deputies to the legislative body.

18. Beginning with the year 1795, the electors in those departments where elections are to take place shall proceed to the election of the member of the Court of Cassation and his substitute, and, in the month of April or May, after having elected the deputies to the legislature, of one-half of the

departmental administrators and the two high jurors who are to serve at the National High Court.

1

Concerning the revolutionary festivals as a whole see: Pierre, C. V. D., ed., *Musique des fetes et ceremonies de la Revolution frangaise* (Paris, 1899); Tiersot, Julien, *Les fetes et les chants de la Revolution frangaise* (Paris, 1908).

2

For the general effect of the French Revolution on Great Britain see: Brown, P. A., *The French Revolution in English History* (London, 1918); Hayes, Richard, *Ireland and Irishmen in the French Revolution* (London, 1932); Laprade, W. T., *England and the French Revolution* (Baltimore, 1909) [Johns Hopkins University Studies in History, ser. 27, nos. 8-12]; Lockitt, C. H., *The Relations of French and English Society (1763-1793)* (London and New York, 1920); Meikle, H. W., *Scotland and the French Revolution* (Glasgow, 1912).

Concerning the French Revolution and the United States of America see: Hazen, C. D., *Contemporary American Opinion of the French Revolution* (Baltimore, 1897) [Johns Hopkins University Studies in History, extra v. 46]; and the writings of Gouverneur Morris, Thomas Jefferson, and George Washington.

3

Concerning the flight to Varennes see: Browning, Oscar, *The Flight to Varennes* . . . (London, 1892); Fling, *Source Problems*, pp. 249-325.

[4](#)

See document 36, *supra*.

[5](#)

See Duvergier, v. 3, p. 53.

[6](#)

This was an extension of the principles of the law of 7 November, 1789, whereby ministerial office was declared incompatible with that of deputy.

[7](#)

May, 1791; see Bloch, pp. 254-256.

[8](#)

Decree concerning the organization of administrative bodies [Duvergier, v. 2, pp. 257-261].

19. After the election of one-half of the members of the district administration, the district electors shall proceed to the election of the district judges and their substitutes; judges now in office shall continue their duties until 1797.

20. The King shall be requested to give the necessary orders immediately for the full execution of the present decree.

VI. THE CONSTITUTION COMPLETED

As already stated, on 3 September, 1791, the Constitution was declared complete; and, at the same time, provision was made for its presentation to the King by a delegation from the Assembly.

The historic document derives its name from the year in which it was ³³ Document 24, *supra*. brought to fulfillment. It represents the result of the arduous and assiduous application of the members, of the National Constituent Assembly, over a period of more than two years and in the face of numerous and serious difficulties It took the form shown in document 48—except that the Declaration of the Rights of Man and Citizen was used as a preface to the final draft.

No provision was made for submitting the Constitution to a popular referendum, so all that was needed was the King's acceptance. This was forthcoming, on 13 September, in the form of a somewhat ambiguous letter brought to the Assembly.¹ And on the following day the King appeared in person and signed the document itself.

The remaining few days of the Assembly were occupied with all the miscellanea which inevitably characterize the closing of any organization.

48. The Constitution of 1791

3 September, 1791

SOURCE: D. and M., pp. 1-35 [by permission of R. Pichon and R. Durand-Auzias, Publishers, Paris]. See also: Duvergier, v. 3, pp. 239-255; A. P., v. 30, pp. 151-168 *passim*; *Moniteur*, 16 September, 1791, supplement, Rep., v. 9, pp. 673-684; B. and R., v. 11, pp. 404-444; Helie, pp. 268-294; Legg, v. 2, pp. 216-244.

REFERENCES: D. and M., pp. i-xxv; Deslandres, v. 1, pp. 48-137; Helie, pp. 3-5, 24-326 *passim*, 294-305.

The Constitution of 1791, the first of the revolutionary constitutions, was also the first written constitution, as such, in the history of France, and one of the first in the history of modern Europe. It affords a good cross-sectional view of the work of the National Constituent Assembly. Many parts of the Constitution were already functioning. Many items of "statutory" rather than of "constitutional" character were omitted entirely. Many matters which had been the subject of extensive legislation were referred to only in principle, so that the legislation might be modified without need of constitutional amendment.

Certain features of the document merit special attention: the limited suffrage, as compared with documents 3, 20, and 21; restrictions on the executive; application of the principle of separation

of powers; prerogatives of the legislature; the difficult process of amendment; and the extent to which the Constitution harmonized with documents 17 and 18.

Likewise, the defects should be noted, e.g.: the absence of a declaration of duties; the excessive granting of civil liberties; the complications inherent in the application of the principle of checks and balances and separation of powers; and the undue extension of the practice of popular election of officials.

Despite the defects, it is doubtful if a better constitution could have been devised under the circumstances. At best it represented an earnest attempt by the bourgeois deputies to fulfill their mission; at worst it was a fairly intelligent compromise between the Old Regime and the revolutionary ideal.

[Preamble]

The National Assembly, wishing to establish the French Constitution upon the principles it has just recognized and declared,³ abolishes irrevocably the institutions which were injurious to liberty and equality of rights.

Neither nobility, nor peerage, nor hereditary distinctions, nor distinctions of orders, nor feudal regime, nor patrimonial courts, nor any titles, denominations, or prerogatives derived therefrom, nor any order of knighthood, nor any corporations or decorations requiring proofs of nobility or implying distinctions of birth, nor any superiority other than

that of public functionaries in the performance of their duties any longer exists.³⁰

Neither venality nor inheritance of any public office any longer exists.

Neither privilege nor exception to the law common to all Frenchmen any longer exists for any part of the nation or for any individual.

Neither *jurandes* nor corporations of professions, arts, and crafts any longer exist.

The law no longer recognizes religious vows or any other obligation contrary to natural rights or the Constitution.

TITLE I

FUNDAMENTAL PROVISIONS GUARANTEED BY THE CONSTITUTION [2](#) [3](#) [4](#)

The Constitution guarantees as natural and civil rights:

1st, That all citizens are admissible to offices and employments, without other distinction than virtues and talents;

2nd, That all taxes shall be assessed equally upon all citizens, in proportion to their means;

3rd, That similar offences shall be punished with similar penalties, without any distinction of persons.

The Constitution guarantees likewise as natural and civil rights:

Liberty to every man to come and go without being subject to arrest or detention, except according to the forms determined by the Constitution;

Liberty to every man to speak, write, print, and publish his opinions without having his writings subject to any censorship or inspection before their publication, and to worship as he pleases;

Liberty to citizens to assemble peaceably and without arms in accordance with police regulations;

Liberty to address individually signed petitions to the constituted authorities.

The legislative power may not make any laws which infringe upon or obstruct the exercise of the natural and civil rights recorded in the present title and guaranteed by the Constitution; but, since liberty consists of being able to do only whatever is not injurious to the rights of others or to public security, the law may establish penalties for acts which, assailing either public security or the rights of others, might be injurious to society.

The Constitution guarantees the inviolability of property, or a just and previous indemnity for that of which a legally established public necessity requires the sacrifice.

Property reserved for the expenses of worship and for all services of public benefit belongs to the nation, and is at its disposal at all times.

The Constitution guarantees conveyances which have been or may be made according to the forms established by law.

Citizens have the right to elect or choose the ministers of their religions.

A general establishment for *public relief* shall be created and organized to raise foundlings, relieve the infirm poor, and furnish work for the able-bodied poor who have been unable to procure it for themselves.

***Public instruction* for all citizens, free of charge in those branches of education which are indispensable to all men, shall be constituted and organized, and the establishments thereof shall be apportioned gradually, in accordance with the division of the kingdom.**

National festivals shall be instituted to preserve the memory of the French Revolution, to maintain fraternity among the citizens, and to bind them to the Constitution, the *Patrie*, and the laws.

A code of civil law common to the entire kingdom shall be drafted.

²⁶ i.e

TITLE II

OF THE DIVISION OF THE KINGDOM AND OF THE STATUS OF CITIZENS⁵

1. The kingdom is one and indivisible; its territory is divided into eighty-three departments, every department into districts, every district into cantons.

2. The following are French citizens:

Those born in France of a French father;

Those who, born in France of a foreign father, have established their residence in the kingdom;

Those who, born in a foreign country of a French father, have established themselves in France and have taken the civic oath;

Finally, those who, born in a foreign country and descended in any degree whatsoever from a French man or a French woman expatriated because of religion, come to reside in France and take the civic oath.

3. Those who, born outside the kingdom, of foreign parents, reside in France become French citizens after five years of continuous domicile in the kingdom if, in addition, they have acquired real estate, married a French woman, or founded an agricultural or commercial establishment, and if they have taken the civic oath.

4. The legislative power may, for important reasons, bestow naturalization upon a foreigner, without other qualifications than establishment of a domicile in France and taking of the civic oath therein.

5. The civic oath is: *I swear to be faithful to the nation, to the law, and to the King, and to maintain with all my power the Constitution of the kingdom, decreed by the National Constituent Assembly in the years 1789, 1790, and 1791.*

6. French citizenship is lost:

1st, By naturalization in a foreign country;

2nd, By condemnation to penalties which entail civic degradation, as long as the condemned person is not reinstated;

3rd, By a judgment of contempt of court, as long as the judgment is not rescinded;

4th, By affiliation with any foreign order of knighthood, or with any foreign corporate body which implies either proofs of nobility or distinctions of birth, or which requires religious vows.

7. The law considers marriage only as a civil contract.³⁹

The legislative power shall establish for all inhabitants, without distinction, the method by which births, deaths, and marriages are to be declared, and it shall designate the public officials who are to receive and preserve the records therefor.⁴⁰

8. French citizens, considered with respect to local relations which derive from their association in cities and in certain *arrondissements* of rural territory, constitute the *communes*.

The legislative power may establish the extent of the *ment* of every commune.

9. The citizens composing a commune have the right to elect at stated times, according to the forms determined by law, those among them who, under the title of *municipal officials*, are responsible for administering the immediate affairs of the commune.

Some functions relative to the general interest of the State may be delegated to the municipal officials.

10. The rules which municipal officials are required to follow in the performance of their municipal duties and of those delegated to them for the general welfare shall be established by law.

TITLE III

OF PUBLIC POWERS

1. Sovereignty is one, indivisible, inalienable, and imprescriptible. It appertains to the nation; no section of the people nor any individual may assume the exercise thereof.

2. The nation, from which alone all powers emanate, may exercise such powers only by delegation.

The French Constitution is representative; the representatives are the legislative body and the King.

3. The legislative power is delegated to a National Assembly, composed of temporary representatives freely elected by the people, to be exercised by it, with the sanction of the King, in the manner hereinafter determined.

4. The government is monarchical; the executive power is delegated to the King, to be exercised, under his authority, by ministers and other responsible agents in the manner hereinafter determined.

5. The judicial power is delegated to judges who are elected at stated times by the people.

³⁹ See document 71, *infra*.

⁴⁰ See document 70, *infra*.

CHAPTER I Of the National Legislative Assembly

1. The National Assembly constituting the legislative body is permanent and is composed of only one chamber.

2. It shall be formed every two years by new elections.

Every period of two years shall constitute a legislature.

3. The provisions of the preceding article shall not apply to the next legislative body, the powers of which shall cease on the last day of April, 1793.

4. Renewal of the legislative body shall take place without need of sanction.

5. The legislative body may not be dissolved by the King.

Section 1. Number of Representatives—Bases of Representation

1. The number of representatives in the legislative body is 745, in proportion to the eighty-three departments of which the kingdom is composed, and apart from those which might be granted to the colonies.

2. The representatives shall be allotted among the eighty-three departments according to the three proportions of territory, population, and direct tax.

3. Of the 745 representatives, 247 are allocated on the basis of territory.

Each and every department shall elect three of these, except the department of Paris, which shall elect only one.

4. Two hundred and forty-nine representatives are allocated on the basis of population.

The sum total of the active population of the kingdom is divided into 249 parts, and every department elects as many deputies as it possesses parts of the population.

5. Two hundred and forty-nine representatives are allocated on the basis of direct tax.

The sum total of the direct tax of the kingdom is likewise divided into 249 parts, and every

department elects as many deputies as it pays parts of the tax.

Section 2. Primary Assemblies—Selection of the Electors⁴¹

1- In order to constitute the National Legislative Assembly, the active citizens shall meet every two years in primary assemblies in the cities and cantons.

⁴¹ See document 21, *supra*.

The primary assemblies shall be formed, without need of sanction on the second Sunday in March, if they have not been convoked previously by the public functionaries determined by law.

2. In order to be an active citizen it is necessary:

To have been born, or to become, a Frenchman;

To be fully twenty-five years of age;

To be domiciled in the city or canton for the period determined by law;

• To pay, in any part of the kingdom whatsoever, a direct tax equal at least to the value of three days' labor, and to present the receipt therefor;

Not to be in a position of domesticity, that is to say, a servant for wages;

To be inscribed upon the roll of the National Guard in the municipality of his domicile;

To have taken the civic oath.

3. Every six years the legislative body shall establish the *minimum* and *maximum* of the value of a day's labor, and the departmental administrators shall effect the local determination thereof for every district.

4. No one may exercise the rights of active citizenship in more than one place or by proxy.

5. The following are excluded from the enjoyment of the rights of active citizenship:

Those who are under indictment;

Those who, having been proved by authentic evidence to be bankrupt or insolvent, do not produce a general release from their creditors.

6. The primary assemblies shall choose electors in proportion to the number of active citizens domiciled in the city or canton.

One elector shall be chosen for every hundred active citizens, present or not, at the assembly.

Two shall be chosen for from 151 to 250, and so on.

7. No one may be chosen as an elector if, in addition to the qualifications necessary for active citizenship, he does not fulfill the following requirements:

In cities of more than 6,000 inhabitants, that of being proprietor or usufructuary of a property assessed on the tax rolls at a revenue equal to the

local value of 200 days' labor, or of being tenant of a dwelling assessed on said same rolls at a revenue equal to the value of 150 days' labor;

In cities of fewer than 6,000 inhabitants, that of being proprietor or usufructuary of a property assessed on the tax rolls at a revenue equal to the local value of 150 days' labor, or of being tenant of a dwelling assessed on said same rolls at a revenue equal to the value of 100 days' labor;

And in rural districts, that of being proprietor or usufructuary of a property assessed on the tax rolls at a revenue equal to the local value of 150 days' labor, or of being farmer or *metayer* of properties assessed on said same rolls at the value of 400 days' labor.

With regard to those who are at the same time proprietors or usufructuaries on the one hand, and tenants, farmers, or *metayers* on the other, their revenues from such divers titles shall be cumulated up to the rate necessary to establish their eligibility.

Section 3. Electoral Assemblies—Election of Representatives [⁶](#)

1. The electors chosen in each and every department shall assemble to elect the number of representatives whose election is assigned to their department, and a number of substitutes equal to one-third of that of the representatives.

The electoral assemblies shall be formed, without need of sanction, the last Sunday in March, if they

have not been convoked previously by the public functionaries determined by law.

2. The representatives and the substitutes shall be elected by absolute majority of votes, and they may be chosen only from among the active citizens of the department.

3. All active citizens, whatever their position, profession, or tax, may be elected representatives of the nation.⁷

4. Ministers and other agents of the executive power who are revocable at will, commissioners of the National Treasury, collectors and receivers of direct taxes, supervisors of the collection and administration of indirect taxes and national domains, and those who, under any denomination whatsoever, are connected with the military and civil household of the King shall be obliged to choose between their offices and that of representative.

Administrators, subadministrators, municipal officials, and commandants of the National Guards likewise shall be required to make their choice.

5. The performance of judicial duties is incompatible with those of representative of the nation, throughout the entire duration of the legislature.

Judges shall be replaced by their substitutes, and the King shall provide, by warrants of commission, for the replacement of his Commissioners at the courts.

6. The members of the legislative body may be re-elected to the following legislature, but thenceforth they may be elected only after an interval of one legislature.

7. The representatives elected in the departments shall not be representatives of a particular department, but of the entire nation, and no mandate may be given them.

Section 4. Holding and Administration of Primary and Electoral Assemblies ⁴⁴

1. The functions of the primary and electoral assemblies are limited to election; they shall disperse immediately after the elections are completed, and they may reassemble only when convoked, except in the case of article 1 of section 2 and article 1 of section 3 above.

2. No active citizen may enter or vote in an assembly if he is armed.

3. No armed force may be brought into the assembly without the express request thereof, unless violence is committed therein; in which case, an order of the president shall suffice to summon the public force.

4. Every two years, in every district, lists of active citizens, by cantons, shall be drawn up, and the list of each and every canton shall be published and posted there two months before the meeting of the primary assembly.

Claims which may be made, either contesting the qualifications of citizens entered on the list or on the part of those alleging their unjust exclusion therefrom, shall be taken to the courts for summary judgment.

In all matters not rectified by judgments rendered prior to the meeting of the assembly, the list shall serve as the basis for admission of citizens to the next primary assembly.

5. The electoral assemblies have the right to verify the qualifications and credentials of those presenting themselves thereat; and their decisions shall be executed provisionally, subject to the judgment of the legislative body at the time of verification of the powers of the deputies.

⁴ 'Cf. document 21, *supra*.

6. In no case, and under no pretext, may the King, or any of the agents appointed by him, take cognizance of questions relative to the regularity of convocations, the holding of assemblies, the form of elections, or the political rights of citizens, without prejudice to the functions of the Commissioners of the King in the cases determined by law where questions relative to the political rights of citizens are to be brought before the courts.

Section 5. Meeting of the Representatives in National Legislative Assembly

1. The representatives shall meet on the first Monday in May at the place of the sessions of the

last legislature.⁴⁵

2. They shall form provisionally in assembly, under the presidency of the oldest member, in order to verify the credentials of the representatives present.

3. As soon as 373 members have been verified, they shall constitute themselves under the title of *National Legislative Assembly*, it shall elect a president, a vice-president, and secretaries, and shall enter upon the performance of its duties.

4. During the entire course of the month of May the Assembly may not perform any legislative act if the number of representatives present is fewer than 373.

It may issue an order enjoining the absent members to repair to their duties within two weeks at the latest, under penalty of 3,000 *livres* fine, unless they present an excuse which the Assembly deems valid.

5. On the last day of May, whatever number of members be present, they shall constitute themselves in National Legislative Assembly.

6. The representatives shall pronounce in unison, in the name of the French people, the oath *to live free or to die*.

Thereafter, they shall individually take oath to *maintain with all their power the Constitution of the kingdom decreed by the National Constituent Assembly in the years 1789, 1790, and 1791, to propose and to consent to nothing during the course of the legislature which*

might be injurious thereto, and in all matters to be faithful to the nation, to the law, and to the King.

7. The representatives of the nation are inviolable; they may not be questioned, accused, or tried at any time for what they have said, written, or done in the performance of their duties as representatives!

⁴⁵ The month of May was selected in commemoration of the meeting of the Estates General in May, 1789.

8. For criminal acts they may be seized *flagrante delicto*, or by virtue of a warrant of arrest; but notice thereof shall be given to the legislative body immediately, and prosecution may be continued only after the legislative body has decided that there is occasion for indictment.

CHAPTER II. Of Monarchy, the Regency, and the Ministers

Section 1. Monarchy and the King

1. Monarchy is indivisible, and is delegated hereditarily to the reigning family, from male to male, by order of primogeniture, to the perpetual exclusion of women and their descendants.

(Nothing is presumed concerning the effect of renunciations in the present reigning family.)

2. The person of the King is inviolable and sacred; his only title is *King of the French*.

3. There is no authority in France superior to that of the law; the King reigns only thereby, and only in the name of the law may he exact obedience.

4. On his accession to the throne, or as soon as he has attained his majority, the King, in the presence of the legislative body, shall take oath to the nation *to be faithful to the nation and to the law, to employ all the power delegated to him to maintain the Constitution decreed by the National Constituent Assembly in the years 1789, 1790, and ' 1791, and to have the laws executed.*

If the legislative body be not in session, the King shall have a proclamation published, in which said oath, and the promise to reiterate it as soon as the legislative body has assembled, shall be set forth.

5. If, one month after the invitation of the legislative body, the King has not taken said oath, or if, after having taken it, he retracts it, he shall be deemed to have abdicated the throne.⁴⁰

6. If the King places himself at the head of an army and directs the forces thereof against the nation, or if he does not, by a formal statement, oppose any such undertaking carried on in his name, he shall be deemed to have abdicated the throne.

7. If the King, having left the kingdom, does not return after invitation has been made by the legislative body, and within the period established by proclamation, which may not be less than two months, he shall be deemed to have abdicated the throne.

Cf. document 43, *supra*, concerning articles 5-8.

The period shall date from the day of publication of the proclamation of the legislative body in the place

of its sessions; and the ministers shall be required, on their responsibility, to perform all acts of the executive power, exercise of which by the absent King shall be suspended.

8. After express or legal abdication, the King shall be classed as a citizen, and as such he may be accused and tried for acts subsequent to his abdication.

9. The private property which the King possesses upon his accession to the throne is irrevocably united with the national domain; he may dispose of property acquired by singular title; if he has not disposed thereof, it likewise is united at the end of the reign.

10. The nation provides for the splendor of the throne by a civil list, the sum of which shall be determined by the legislative body at each change of reign, for the entire duration of the reign.⁴⁷

11. The King shall appoint an administrator of the civil list, who shall institute lawsuits on behalf of the King, and against whom all actions for debt against the King shall be directed and judgments pronounced. Condemnations obtained by creditors of the civil list shall be executory against the administrator personally, and upon his own property.

12. Apart from the guard of honor furnished him by the citizen National Guard of the place of his residence, the King shall have a guard, paid out of the funds of the civil list; it may not exceed the number of 1,200 infantry and 600 cavalry.

The grades and rules of promotion therein shall be the same as in the troops of the line; but those who compose the King's guard shall progress through all grades among themselves exclusively, and may obtain none in the army of the line.

The King may choose the men of his guard only from among those who are at present on active service in the troops of the line, or from among citizens who have served for a year as National Guards, provided they are resident in the kingdom and have previously taken the civic oath.

The King's guard may not be ordered or requisitioned for any other public service.

Section 2. The Regency

1. The King is a minor until he is fully eighteen years of age, and during his minority there shall be a regent of the kingdom.

⁴⁷ This had already been established by a decree of 26 May. 1791 rDuvereier v 9 pp. 384-3861. b , ,

2. The regency appertains to the kinsman of the King nearest in degree, according to the order of succession to the throne, and fully twenty-five years of age, provided that he is a native Frenchman, that he is not heir presumptive to another crown, and that he has previously taken the civic oath.

Women are excluded from the regency.

3. If a minor king has no kinsman who combines the qualifications above stated, the regent of the

kingdom shall be elected as provided in the following articles.

4. The legislative body may not elect the regent.

5. The electors of each and every district shall meet at the chief town of the district, following a proclamation made in the first week of the new reign by the legislative body, if it is in session; and if it is in recess, the Minister of Justice shall be required to make such proclamation within the same week.

6. The electors in each and every district shall elect, by individual ballot and absolute majority of votes, an eligible citizen domiciled in the district, to whom they shall give, by the of the election, a special mandate limited to the single function of electing the citizen whom he, in his mind and conscience, deems the most worthy of being regent of the kingdom.

7. The mandatory citizens elected in the districts shall be required to assemble, not later than forty days after the accession of the minor King to the throne, in the city where the legislative body holds its sessions; and there they shall form the electoral assembly, which shall proceed to the election of the regent.

8. The election of the regent shall be effected by individual ballot and absolute majority of votes.

9. The electoral assembly may occupy itself only with the election, and shall disperse as soon as the election is completed; any other act undertaken by it is declared unconstitutional and noneffective.

10. The electoral assembly shall have the *proces-verbal* of the election presented by its president to the legislative body, which, after having verified the regularity of the election, shall have it published throughout the kingdom by proclamation.

11. Until the majority of the King, the regent shall perform all the functions of monarchy, and shall not be personally responsible for acts of his administration.

12. The regent may enter upon the performance of his duties only after having taken, in the presence of the legislative body, oath to the nation, *to be faithful to the nation, to the law, and to the King; to employ all the power delegated to the King, and the exercise of which entrusted to him during the minority of the King, to maintain the Constitution decreed by the National Constituent Assembly in the years 1789, 1790, and 1791, and to have the laws executed.*

If the legislative body is not in session, the regent shall have a proclamation published in which said oath and the promise to reiterate it as soon as the legislative body has assembled shall be expressed.

13. Until the regent has entered upon the performance of his duties, the sanction of laws shall remain suspended; the ministers shall continue to perform, on their responsibility, all acts of the executive power.

14. As soon as the regent has taken oath, the legislative body shall determine his stipend, which may not be changed throughout the duration of the regency.

15. If, owing to the minority of the kinsman summoned to the regency, it has devolved upon a more remote kinsman or has been conferred by election, the regent who has taken office shall continue his duties until the majority of the King.

16. The regency of the kingdom does not confer any right concerning the person of the minor King.

17. The custody of the minor King shall be entrusted to his mother; and if he has no mother, or if she has remarried at the time of her son's accession to the throne, or if she remarries during the minority, the custody shall be conferred by the legislative body.

Neither the regent, his descendants, nor women may be elected to the custody of the minor King.

18. In case of generally recognized insanity of the King, legally established and declared by the legislative body after three deliberations taken successively from month to month, there shall be occasion for a regency as long as the insanity continues.

Section 3. The Royal Family

1. The heir presumptive shall bear the name of *Prince Royal*.

He may not leave the kingdom without a decree of the legislative body and the consent of the King.

If he has left it, and if, having reached the age of eighteen years, he does not return to France after having been summoned by a proclamation of the

legislative body, he shall be deemed to have abdicated the right of succession to the throne.

2. If the heir presumptive is a minor, the kinsman fully of age first in line for the regency is required to reside within the kingdom.

In case he has left it and does not return upon demand of the legislative body, he shall be deemed to have abdicated his right to the regency.

3. If the mother of the minor King in charge of his custody, or the elected guardian, leaves the kingdom, she or he is deprived of the custody.

If the mother of the minor heir presumptive leaves the kingdom, she may not, even after her return, have the custody of her minor son who has become king, except by a decree of the legislative body.

4. A law shall be made to regulate the education of the minor King and that of the minor heir presumptive.

5. The members of the Royal Family in line for the eventual succession to the throne enjoy the rights of active citizenship, but are not eligible to any of the positions, employments, or functions at the disposal of the people.

With the exception of the departments of the ministry, they are eligible to the positions and employments at the disposal of the King; nevertheless, they may not be commanders in chief of any military or naval force, or serve as ambassadors, except with the consent of

the legislative body, granted upon the proposal of the King.

6. The members of the Royal Family in line for eventual succession to the throne shall add the denomination of *French Prince* to the name given them in their birth certificate, and such name may not be patronymical or composed of any of the titles abolished by the present Constitution.

The denomination of *prince* may not be given to any other individual, and it shall not entail any privilege or any exception to the law common to all Frenchmen.

7. The birth, marriage, and death certificates of French princes shall be presented to the legislative body, which shall order the deposit thereof in its archives.

8. No real *apanage* shall be granted to members of the Royal Family.

The younger sons of the King shall receive at the age of fully twenty-five years, or at the time of their marriage, a *rente apanagere*, which shall be established by the legislative body and shall terminate with the extinction of their masculine posterity.

Section 4. The Ministers

1. The choice and dismissal of ministers appertains solely to the King.

2. The members of the present National Assembly and of subsequent legislatures, the members of the

Court of Cassation and those who serve on the Grand Jury may not be promoted to the ministry or receive any positions, gifts, pensions, stipends, or commissions from the executive power or its agents throughout the duration of their functions, or for two years after having ceased the performance thereof.

The same shall apply to those who are merely enrolled on the list of the Grand Jury, throughout the entire duration of their enrollment.

3. No one may enter upon the duties of any office, either in the bureaux of the ministry or in those of the management or administration of public revenues, or, in general, any employment at the disposal of the executive power, without taking the civic oath or proving that he has taken it.

4. No order of the King may be executed unless it has been signed by him and countersigned by the minister or administrator of the department [of government].

5. The ministers are responsible for all offences committed by them against national security and the Constitution;

For every attack upon property and individual liberty;

For all dissipation of revenues reserved for the expenses of their department.

6. In no case may an order of the King, verbal or written, exempt a minister from his responsibility.

7. Ministers are required to present to the legislative body annually, at the opening of the session, an estimate of the expenditures that are to be made in their department, to render account of the use of the sums intended therefor, and to indicate whatever abuses have appeared in the several branches of the government.

8. No minister, in office or out of office, may be prosecuted criminally because of his administration, without a decree of the legislative body.

CHAPTER III Of the Exercise of the Legislative Power

Section 1. Powers and Functions of the National

Legislative Assembly

1. The Constitution delegates to the legislative body exclusively the following powers and functions:

1st, Proposal and enactment of laws; the King may only invite the legislative body to take a matter under consideration;

2nd, Establishment of public expenditures;

3rd, Establishment of public taxes, and determination of the nature, quota, duration, and method of collection thereof;

4th, Assessment of the direct tax among the departments of the

kingdom, supervision of the use of all public revenues, and having account rendered thereof;

5th, Ordering the creation or suppression of public offices;

6th, Determination of the title, weight, stamp, and denomination of monies;

7th, Permission or prohibition of the introduction of foreign troops upon French territory and of foreign naval forces into the ports of the kingdom;

8th, Legislation annually, upon the proposal of the King, concerning the number of men and vessels of which the land and naval forces are to be composed, the pay and number of persons of every rank, the rules for admission and promotion, the forms of enrollment and discharge, the formation of ship crews, the admission of foreign troops or naval forces into the service of France, and the stipend of troops in case of demobilization;

9th, Legislation concerning the administration and ordering the alienation of the national domains;

10th, Prosecution, before the National High Court, of the responsibility of ministers and of the principal agents of the executive power;

Accusation and prosecution, before said same court, of those charged with attacks upon and conspiracy against the general security of the State or against the Constitution;

11th, Establishment of laws according to which purely personal tokens of honor or decorations shall be granted to those rendering services to the State;

12th, The legislative body alone has the right to award public honors to the memory of great men.

2. War may be declared only by a decree of the legislative body, rendered upon the formal and requisite proposal of the King, and sanctioned by him.

In case of imminent or actual hostilities, or of an ally to be supported or a right to be maintained by force of arms, the King shall immediately notify the legislative body thereof and shall make known the causes therefor. If the legislative body is in recess, the King shall convoke it immediately.

If the legislative body decides that war is not to be made, the King shall take measures immediately to effect the cessation or prevention of hostilities, the ministers remaining responsible for delays.

If the legislative body finds that the hostilities commenced are a culpable aggression on the part of the ministers, or of any other agent of the executive power, the perpetrator of the aggression shall be prosecuted criminally.

Throughout the entire course of the war the legislative body may request the King to negotiate peace; and the King is required to comply with such request.

As soon as the war has ended, the legislative body shall establish the period within which the troops raised in excess of the peace footing shall be demobilized and the army reduced to its ordinary footing.

3. Ratification of treaties of peace, alliance, and commerce appertains to the legislative body; and no treaty shall be effective without such ratification.

4. The legislative body has the right to determine the place of its sessions, to continue them as long as it deems necessary, and to adjourn itself. If it is not assembled at the beginning of every reign, it shall be required to convene without delay.

It has the right of police in the place of its sessions and over the external precincts determined by it.

It has the right of discipline over its members; but it may not pronounce punishment more severe than censure, arrest for a week, or imprisonment for three days.

It has the right, for its security and for the maintenance of the respect due it, to dispose of the forces which, with its consent, are established in the city where it holds its sessions.

5. The executive power may not have any body of troops of the line pass or sojourn within a distance of 30,000 *toises* of the legislative body, except upon its requisition or with its authorization.

Section 2. Holding of Sessions and Form of Deliberation

1. The deliberations of the legislative body shall be public, and the *proces-verbaux* of its sessions shall be printed.

2. Nevertheless, the legislative body may at any time form itself into *Committee of the Whole*.

Fifty members shall have the right to require this.

Throughout the duration of the Committee of the Whole, spectators shall retire, the chair of the president shall be vacant, and order shall be maintained by the vice-president.

3. No legislative act may be deliberated upon and enacted except in the following form.

4. There shall be three readings of the draft decree at three intervals, each of which may not be less than a week.

5. The discussion shall open after each reading; nevertheless, after the first or second reading, the legislative body may declare that there is ground for adjournment or that there is no need for deliberation; in the latter case, the draft decree may be presented again in the same session.

Every draft decree shall be printed and distributed before the second reading may be given.

6. After the third reading, the president shall be required to bring the matter under deliberation, and the legislative body shall decide whether it is ready to render a definitive decree or whether it wishes to postpone the decision in order to obtain further elucidation.

7. The legislative body may not deliberate unless the sitting is composed of at least two hundred members, and no decree may be passed except by absolute majority of votes.

8. No proposed law which, submitted to discussion, has been rejected after the third reading may be presented again during the same session.

9. The preamble of every definitive decree shall state: 1st, the dates of the sessions at which the three readings of the project have taken place; 2nd, the decree by which, after the third reading, it has been resolved to decide definitively.

10. The King shall refuse to sanction a decree the preamble of which does not attest observation of the above forms; if any such decrees be sanctioned the ministers may not seal or promulgate them, and their responsibility in this connection shall continue for six years.

11. Decrees recognized and declared urgent by a previous deliberation of the legislative body are excepted from the above provisions; but they may be modified or revoked in the course of the same session.

The decree by which a matter is declared urgent shall state the motives therefor, and mention shall be made of such previous decree in the preamble of the definitive decree.

Section 3. Royal Sanction

1. The decrees of the legislative body are presented to the King, who may refuse his consent thereto.

2. In case the King refuses his consent, such refusal shall be only suspensive.

When the two legislatures following the one in which the decree was introduced have again successively presented the same decree in the same terms, the King shall be deemed to have given his sanction.

3. The consent of the King to every decree is expressed by the following formula, signed by the King: *The King consents and will have executed.*

The suspensive refusal is expressed thus: *The King will examine.*

4. The King is required to express his consent to, or refusal of, every decree within two months of its presentation.

5. No decree to which the King has refused his consent may be presented to him again by the same legislature.

6. Decrees sanctioned by the King and those presented by three consecutive legislatures shall have the force of *law* and shall bear the name and title of *laws*.

7. Nevertheless, the following shall be executed as laws without being subject to sanction: acts of the legislative body concerning its constitution in deliberative assembly;

its internal police, and that which it may exercise in the external precincts it has determined;

Verification of the powers of its members present;

Injunctions to absent members;

Convocation of tardy primary assemblies;

Exercise of constitutional police over administrators and municipal officials;

Questions of eligibility or of the validity of elections.

Likewise, neither acts relative to the responsibility of ministers nor decrees showing that there is cause for accusation are subject to sanction.

8. Decrees of the legislative body concerning the establishment, prorogation, and collection of the public taxes shall bear the name and the title of *laws*. They shall be promulgated and executed without being subject to sanction, except for provisions establishing penalties other than fines and pecuniary restraints.

Said decrees may be rendered only after observing the formalities prescribed by articles 4, 5, 6, 7, 8, and 9 of section 2 of the present chapter; and the legislative body may not insert therein any provisions foreign to their purpose.

Section 4. Relations of the Legislative Body with the King

1. When the legislative body is definitively constituted, it shall send a deputation to the King to inform him of such fact. Every year the

King may open the session and propose the matters which he believes ought to be taken under consideration during the course

thereof¹ nevertheless, such formality need not be considered necessary for the functioning of the legislative body.

2. When the legislative body wishes to adjourn for more than two weeks, it is required to inform the King thereof, at least a week in advance, by a deputation.

3. At least a week before the end of every session, the legislative body shall send a deputation to the King to announce the day on which it proposes to terminate its sittings. The King may come to close the session.

4. If the King finds it important for the welfare of the State that the session be continued, or that adjournment not take place or be only for a shorter time, he may send a message to that effect, upon which the legislative body is required to deliberate.

5. The King shall convoke the legislative body during the interval of its sessions whenever the interest of the State appears to him to require it, as well as in cases anticipated and determined by the legislative body before its adjournment.

6. Whenever the King repairs to the place of the sessions of the legislative body he shall be received, and likewise shown out, by a deputation; he may be accompanied into the interior of the hall only by the Prince Royal and the ministers.

7. In no case may the president be a member of a deputation.

8. The legislative body shall cease to be a deliberative entity while the King is present.

9. The documents of the correspondence of the King with the legislative body shall always be countersigned by a minister.

10. The ministers of the King shall have *entree* to the National Legislative Assembly; they shall have a designated place therein.

They shall be heard, whenever they request it, concerning matters relative to their administration, or when they are required to give elucidations.

Likewise, they shall be heard on matters not related to their administration when the National Assembly grants them permission to speak.

CHAPTER IV Of the Exercise of the Executive Power

1. The supreme executive power resides exclusively in the hands of the King.

The King is the supreme head of the general administration of the kingdom; the task of supervising the maintenance of public order and tranquillity is entrusted to him.

The King is the supreme head of the army and navy.

The task of watching over the external security of the kingdom and of maintaining its rights and possessions is delegated to the King.

2. The King appoints ambassadors and other agents of political negotiations.

He confers the command of armies and fleets and the grades of marshal of France and admiral.

He appoints two-thirds of the rear admirals, one-half of the lieutenant generals, brigadier generals, ship captains, and colonels of the national *gendarmerie*;

He appoints one-third of the colonels and lieutenant colonels, and one-sixth of the ship lieutenants;

All in conformity with the laws on promotion.

He appoints the managers [*ordonnateurs*], controllers, treasurers of arsenals, managers of works, deputy managers of civil buildings, and one-half of the managers of administration and deputy managers of construction in the civil administration of the navy.

He appoints the commissioners at the courts.

He appoints the chief supervisors of the administration of indirect taxes and of the administration of national domains.

He supervises the manufacture of monies and appoints the officials who are charged with the exercise of such supervision in the general commission and in the mints.

The effigy of the King shall be stamped upon all the monies of the realm.

3. The King has* letters patent, warrants, and commissions delivered to public functionaries or others who are to receive them.

4. The King has the list of pensions and gratuities drawn up in order to be presented to the legislative body at each of its sessions, and decreed if necessary.

Section 1. Promulgation of Laws

1. The executive power is charged with having the laws sealed with the seal of State, and with having them promulgated.

It is likewise charged with having promulgated and executed acts of the legislative body which do not require the sanction of the King. *

2. Two original copies of every law shall be made, both signed by the King, countersigned by the Minister of Justice, and sealed with the seal of State.

One shall remain deposited in the archives of the Seal, and the other shall be placed in the archives of the legislative body.

3. Promulgation shall be expressed thus:

“R. (*the name of the King*), by the grace of God, and the constitutional law of the State, King of the French, to all here and hereafter, greeting. The National Assembly has decreed, and we will and ordain as follows:

(The literal copy of the decree shall be inserted without any change.)

“We command and order all administrative bodies and courts to have these presents recorded in their registers, read, published, and posted in their

respective departments and jurisdictions, and executed as law of the realm. In testimony whereof We have signed these presents, to which We have had the seal of State affixed.”

4. If the King is a minor, the laws, proclamations, and other instruments emanating from the royal authority during the regency shall be expressed as follows:

“N. (*the name of the regent*), Regent of the Kingdom, in the name of N. (*the name of the King*), by the grace of God and the constitutional law of the State, King of the French, etc., etc.,”

5. The executive power is required to dispatch the laws to the administrative bodies and the courts, to have such dispatch certified, and to give proof thereof to the legislative body.

6. The executive power may not make laws, even provisional ones, but only proclamations, in conformity with the laws, in order to decree them or to recall their observance.

Section 2. Internal Administration

1. In each and every department there shall be a superior administration, and in each and every district a subordinate administration.

2. The administrators have no representative character.

They are agents, elected at stated times by the people to perform administrative duties under the supervision and authority of the King.

3. They may not interfere with the exercise of the legislative power, suspend the execution of laws, or encroach in any manner upon the judicial order or upon military arrangements or operations.

4. The administrators are essentially responsible for assessing the direct taxes and supervising the income deriving from all public taxes and revenues in their territory. *

Determination of the rules and method of their functions in the aforementioned matters, as well as in all other aspects of the internal administration, appertains to the legislative power.

5. The King has the right to annul acts of departmental administrators which are contrary to law or to orders he has addressed to them.

He may suspend them from office in case of persistent disobedience, or if their actions compromise public security or tranquillity.

6. The departmental administrators, likewise, have the right to annul acts of district subadministrators which are contrary to law, to

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decrees of the departmental administrators, or to orders which these latter have given or dispatched to them.

Likewise, they may suspend subadministrators from office in case of persistent disobedience, or if these latter compromise public security or tranquillity by their acts, provided that notification thereof be

given the King, who may annul or confirm the suspension.

7. When departmental administrators have not used the power delegated to them in the preceding article, the King may annul directly the acts of subadministrators and suspend them in the same cases.

8. Whenever the King has pronounced or confirmed the suspension of administrators or subadministrators, he shall notify the legislative body thereof.

Said body may annul or confirm the suspension, or even dissolve the guilty administration and, if necessary, may send all the administrators, or any of them, to the criminal courts, or bring writ of indictment against them.

Section 3. Foreign Relations [**8**](#)

1. The King alone may maintain political relations abroad, conduct negotiations, make preparations for war in proportion to those of neighboring states, allocate land and sea forces as he deems advisable, and regulate the direction thereof in case of war.

2. Every declaration of war shall be made in these terms: *On the part of the King of the French, in the name of the Nation.*

3. Conclusion and signature, with all foreign powers, of all treaties of peace, alliance, and commerce, and other conventions that he deems necessary for the welfare of the State appertain to

the King, subject to ratification by the legislative body.

CHAPTER V Of the Judicial Power⁴⁹

1. Under no circumstances may the judicial power be employed by the legislative body or the King.

2. Justice shall be rendered gratuitously by judges elected at stated times by the people and instituted by letters patent of the King, who may not refuse them.

They may not be removed except for duly determined forfeiture, or suspended except by acknowledged indictment.

The public prosecutor shall be chosen by the people.

3. The courts may not interfere with the exercise of the legislative power, suspend the execution of laws, encroach upon administrative functions, or summon administrators before them for reasons connected with their duties.

4. No commission or other attributions and evocations than those determined by law may deprive citizens of the judges legally assigned to them.

5. The right of citizens to terminate their disputes definitively by means of arbitration may not be impaired by acts of the legislative power.

6. The ordinary courts may not entertain any civil action unless proof be given that the parties have

appeared, or that the plaintiff has summoned his adversary, before mediators to obtain conciliation.

7. In cantons and cities there shall be one or more justices of the peace. The number thereof shall be determined by the legislative power.

8. Regulation of the number and jurisdiction of the courts and the number of judges of which every court is composed appertains to the legislative power.

9. No citizen may be tried in criminal matters except upon an indictment received by the jurors or issued by the legislative body in cases where prosecution of the indictment appertains thereto.

After the indictment is admitted, the fact shall be recognized and declared by the jurors.

The accused shall have the privilege of rejecting up to twenty of same without specifying reasons.

The jurors who declare the fact may not be fewer than twelve in number.

⁴⁹ Cf. document 24, *supra*.

Application of the law shall be made by the judges.

Inquiry shall be public, and the assistance of counsel may not be refused the accused.

No man acquitted by a legal jury may be apprehended or-accused again for the same act.

10. No man may be arrested except to be brought before police officers; and no one may be placed under arrest or detained except by virtue of a warrant from police officers, an order of arrest from a court, a writ of indictment from the legislative body in case pronouncement thereof appertains to it, or of a sentence of condemnation to prison or correctional detention.

11. Every man arrested and brought before the police officer shall be examined immediately, or within twenty-four hours at the latest.

If the examination shows that there is no ground for inculcation against him, he shall be set at liberty immediately; or if it is necessary to send him to jail, he shall be taken there as soon as possible, and within three days at most.

12. In any case in which the law permits his remaining free under bail, no arrested man may be confined if he provides sufficient bail.

13. In case his detention is authorized by law, no man may be brought to or confined in any places other than those legally and publicly designated to serve as jail, courthouse, or prison.

14. No custodian or jailer may receive or detain any man except by virtue of a warrant or order of arrest, writ of indictment, or sentence mentioned in article 10 above, and unless a transcript thereof has been made upon his register.

15. Every custodian or jailer is required to present the person of the prisoner to the civil official in

charge of the jail, whenever said official requires it; and no order may grant dispensation therefrom.

Likewise, the presentation of the person of the prisoner may not be refused his kinsmen and friends bearing an order from the civil official, who shall always be required to grant it, unless the custodian or jailer presents an order of the judge, transcribed upon his register, to hold the accused incommunicado.

16. Any man, whatever his position or employment, other than those to whom the law gives the right of arrest, who gives, signs, executes, or has executed an order to arrest a citizen, or anyone who, even in the case of arrest authorized by law, conducts, receives, or retains a citizen in a place of detention not publicly and legally designated as such, and any custodian or jailer who contravenes the provisions of articles 14 and 15 above shall be guilty of the crime of arbitrary imprisonment.

17. No man may be questioned or prosecuted because of writings he has had printed or published concerning any matter whatsoever unless he has intentionally incited disobedience to the law, disparagement of the constituted authorities, resistance to their acts, or any of the acts declared crimes or offences by law.

Censure of acts of the constituted authorities is permitted; but intentional calumnies against the probity of public functionaries and the rectitude of their intentions in the performance of their duties may be prosecuted by those who are the object thereof.

Calumnies and insults against any persons whomsoever relative to their private life shall be punished when suit is entered thereby.

18. No one may be tried, by either civil or criminal procedure, for printed or published writings, unless a jury has recognized and declared: 1st, whether an offence is contained therein; 2nd, whether the accused is guilty.

19. A single Court of Cassation for the entire kingdom shall be established near the legislative body. Its functions shall be to pronounce:

Upon petitions in cassation against judgments rendered in the last resort by the courts;

Upon petitions for removal from one court to another because of legitimate suspicion;

Upon rulings of judges and suits against an entire court.

20. In matters of cassation the Court of Cassation may never have cognizance of the basis of suits; but after having quashed the judgment rendered upon a proceeding in which forms have been violated, or which contains an express contravention of the law, it shall refer the basis of the trial to the court which is to have cognizance thereof.

21. When, after two cassations, the judgment of the third court is protested in the same manner as the first two, the question may not be discussed further in the Court of Cassation without having been submitted to the legislative body, which shall

pass a decree declaratory of the law, to which the Court of Cassation shall be required to conform.

22. The Court of Cassation shall be required to send annually to the bar of the legislative body a deputation of eight of its members, who shall present thereto a statement of the judgments rendered, accompanying each of which shall be an abridged account of the suit and the text of the law determining the decision.

23. A National High Court, composed of members of the Court of Cassation and Grand Jurors, shall have cognizance of offences of ministers and principal agents of the executive power, and of crimes against the general security of the State, when the legislative body has rendered a writ of indictment.

It shall assemble only upon proclamation of the legislative body, and at a distance of at least 30,000 *toises* from the place where the legislative body holds its sessions.⁵⁰

24. Executory writs of judgments of courts shall be expressed as follows:

“N. (the name of the King), by the grace of God and the constitutional law of the State, King of the French, to all here and hereafter, greeting. The court of_ has rendered the following

judgment:

(Here the judgment, containing the names of the judges, shall be copied.)

“We command and order all bailiffs, upon this requisition, to execute the said judgment, our commissioners at the courts to take it in hand, and all commandants and officers of the public force to lend assistance when legally required so to do. In testimony whereof, the present judgment has been signed by the president and the clerk of the court.”

25. The functions of the King’s Commissioners at the courts shall be to require observation of the laws in the rendering of judgments, and the execution of judgments rendered.

They shall not be public prosecutors, but they shall be heard in all indictments, and shall require regularity of forms during the course of the proceedings and application of the law before the sentence.

26. The King’s Commissioners at the courts shall denounce to the foreman of the jury, either *ex-officio* or according to orders given them by the King:

Attacks upon the individual liberty of citizens, the free circulation of provisions and other articles of commerce, and the collection of taxes;

Offences whereby the execution of orders given by the King in the performance of the functions delegated to him is disturbed or obstructed;

Attacks upon international law;

And resistance to the execution of judgments and of all executory acts emanating from the constituted authorities.

⁵⁰ The National High Court was abolished by a decree of 25 September, 1792.

27. The Minister of Justice shall denounce to the Court of Cassation, through the King's Commissioner and without prejudice to the right of the interested parties, acts whereby judges have exceeded the limits of their power.

The court shall annul them; and if they occasion forfeiture, the fact shall be communicated to the legislative body, which shall render writ of indictment if necessary, and shall send the accused before the National High Court.

TITLE IV

OF THE PUBLIC FORCE⁵¹

1. The public force is instituted to defend the State against enemies from abroad, and to assure the maintenance of order and the execution of the laws within.

2. It is composed:

Of the land and sea forces;

Of troops specially intended for internal service;

And, subsidiarily, of the active citizens who are inscribed on the roll of the National Guard,' and those of their children who are capable of bearing arms.

3. The National Guards are neither a military body nor an institution within the State; they are the

citizens themselves, summoned to the service of the public force.

4. The citizens may never constitute themselves, or act as, National Guards, except by virtue of a requisition or legal authorization.

5. In such capacity they are subject to an organization established by law.

They may have but one and the same discipline and one and the same uniform throughout the entire kingdom.

Distinctions of rank and subordination exist only in relation to service, and throughout its duration.

6. The officers are elected at stated times, and they may be reelected only after an interval of service as soldiers.

No one shall command the National Guard of more than one district.

7. All branches of the public force employed for the security of the State against enemies from abroad shall act under the orders of the

King.

⁵¹ Concerning the National Guard see document 16, *supra*.

8. No body or detachment of troops of the line may act in the interior of the kingdom without a legal requisition.

9. No agent of the public force may enter the house of a citizen except for the execution of police and court warrants, or in cases expressly anticipated by law.

10. Requisition of the public force within the interior of the kingdom appertains to the civil officials, according to the rules determined by the legislative power.

11. If disorders disturb an entire department, the King, on the responsibility of his ministers, shall give the necessary orders for execution of the laws and re-establishment of order, but upon condition of informing the legislative body thereof if it is in session, and of convoking it if it is in recess.

12. The public force is essentially obedient; no armed body may deliberate.

13. The land and sea forces and the troops intended for internal security are subject to special laws, both for the maintenance of discipline and for the form of trials and the nature of penalties in military offences.

TITLE V

OF PUBLIC TAXES⁵²

1. Public taxes shall be deliberated upon and established annually by the legislative body, and unless expressly renewed, they may be effective only until the last day of the following session.

2. Under no pretext may the funds necessary for the payment of the national debt and the civil list be

refused or suspended.

The stipend of ministers of the Catholic religion, pensioned, maintained in office, elected, or appointed by virtue of decrees of the National Constituent Assembly, constitutes part of the national debt.⁵³

Under no circumstances may the legislative body charge the nation with the payment of the debts of any individual*

3. Detailed accounts of the expenditure of ministerial departments, signed and certified by the ministers or general managers, shall be rendered public by being printed at the beginning of the sessions of every legislature.

⁵² **See Chapter Two, Section VII, *supra*.**

⁵³ **See documents 25, 31, *supra*.**

The same shall apply to statements of receipts from divers taxes and from all public revenues.

The statements of such expenditures and receipts shall be differentiated according to their nature, and shall indicate the sums received and expended from year to year in each and every district.

The special expenditures of each and every department relative to courts, administrative bodies, and other establishments likewise shall be rendered public.

4. The departmental administrators and subadministrators may not establish any public tax,

or make any assessment beyond the time and sums established by the legislative body, or, without authorization therefrom, deliberate upon or allow any local loan at the expense of the citizens of the department.

5. The executive power shall direct and supervise the collection and payment of taxes, and shall give all necessary orders for such purpose.

TITLE VI

OF THE RELATIONS OF THE FRENCH NATION WITH FOREIGN NATIONS

The French nation renounces the undertaking of any war with a view of making conquests, and it will never use its forces against the liberty of any people.

The Constitution does not admit the right of *aubaine*.

Foreigners, established in France or not, may inherit from their French or foreign kinsmen.

They may contract, acquire, and receive property situated in France, and may dispose of it, in the same manner as any French citizen, by all the methods authorized by law.

Foreigners in France are subject to the same criminal and police laws as French citizens, except for conventions arranged with foreign powers; their persons, property, business, and religion are likewise protected by law.

TITLE VII

OF THE REVISION OF CONSTITUTIONAL DECREES

1. The National Constituent Assembly declares that the nation has the imprescriptible right to change its Constitution; nevertheless, considering that it is more in conformity with the national interest to use only the right of reforming, by the means provided in the Constitution itself, those articles which experience has proven unsatisfactory, decrees that it shall be effected by an Assembly of Revision in the following form.

2. When three consecutive legislatures have expressed a uniform wish for the amendment of some constitutional article, there shall be

t occasion for the requested revision.

3. Neither the ensuing legislature nor the one thereafter may propose the reform of any constitutional article.

4. Of the three legislatures which successively may propose changes, the first two shall deal with such matters only during the last two months of their final session, and the third at the end of its first annual session, or at the beginning of the second.

Their deliberations on said matters shall be subject to the same forms as legislative acts; but the decrees whereby they have expressed their wish shall not be subject to the sanction of the King.

5. The fourth legislature, augmented by 249 members elected in the departments by doubling the ordinary number which each has furnished on the basis of its population, shall constitute the Assembly of Revision.

Said 249 members shall be elected after the election of the representatives to the legislative body has been completed, and a separate *proces-verbal* thereof shall be made.

The Assembly of Revision shall be composed of only one chamber.

6. Members of the third legislature which has requested the amendment may not be elected to the Assembly of Revision.

7. The members of the Assembly of Revision, after having pronounced in unison the oath *to live free or to die*, shall individually take oath *to restrict themselves to making laws on the matters submitted to them by the uniform wish of the three preceding legislatures; to maintain, moreover, with all their power, the Constitution of the kingdom decreed by the National Constituent Assembly in the years 1789, 1790, and 1791, and to be faithful in all things to the nation, to the law, and to the King.*

8. The Assembly of Revision shall then be required to devote itself immediately to the matters submitted for its examination; as soon as its work is completed, the 249 members elected in augmentation shall retire, without power, under any circumstances, to participate in legislative acts.

[Miscellaneous Provisions] ⁵⁴

The French colonies and possessions in Asia, Africa, and America although constituting part of the French dominion, are not included in the present Constitution.⁵⁵

None of the powers established by the Constitution has the right to change it, in whole or in part, excepting reforms made therein by way of revision, in conformity with the provisions of Title VII above.

The National Constituent Assembly entrusts the safekeeping thereof to the fidelity of the legislative body, of the King, and of the judges, to the vigilance of fathers of families, to wives and to mothers, to the affection of young citizens, to the courage of all Frenchmen.

Decrees rendered by the National Constituent Assembly, but not included in the Constitutional Act, shall be executed as laws; and previous laws which they have not abrogated shall likewise be observed, in so far as the one or the other has not been revoked or modified by the legislative power.

The National Assembly, having heard the reading of the above Constitutional Act, and having approved it, declares that the Constitution is completed and that nothing may be altered therein.

A deputation of sixty members shall be appointed immediately to present the Constitutional Act to the King within twenty-four hours.

VII. THE CLOSE OF THE NATIONAL

CONSTITUENT ASSEMBLY

During the closing days of the National Constituent Assembly the deputies, conscious of many unfinished tasks and of the fact that the termination of the Assembly would bring an end to their immediate political activities, worked feverishly to round out their legislative achievements.

The titles and texts of the principal enactments of the last weeks of September, 1791, fill more than 200 pages of volume 3 of Duvergier. Outstanding among them were decrees on the administration of forests, on the police of security and criminal justice, on *patentes*, on colonies, on the Penal Code, on the Rural Code, on the freedom and equality of men irrespective of their color, on criminal procedure, on restricting the activities of political clubs, and on a military code.

[1](#)

§see *Moniteur*, 14 September, 1791, Rep., v. 9, p. 655; A. P., v. 30, pp. 620-621, Legg, v. 2, pp. 138-140.

[2](#)

See document 17, *supra*.

[3](#)

See decree of 19 June, 1790 [document 23, *supra*],

[4](#)

Cf. document 17, *supra*.

[5](#)

Cf. documents 20-22, *supra*.

[6](#)

Cf. document 21, *supra*.

[7](#)

Cf. art. 7 of sec 2 *supra*; also the "self-denying ordinance" [note to Section V of this chapter].

[8](#)

See notes 6, 7, *supra*.

On 14 September the Assembly had decreed that henceforth Avignon would constitute an integral part of France. By absorbing this old Papal state (at the request of its inhabitants) the revolutionaries established what amounted to a new principle of international relations in Europe, *viz*, that the democratic idea of popular sovereignty would henceforth determine the political affiliation and allegiance of peoples. By effecting the annexation without Papal approval, the Assembly gave the appearance of assuming the right to annex *any* rebellious principality; and in so doing it was left open to the charge of threatening the stability of monarchical Europe.

On 28 September Louis proclaimed the Constitution as law and announced that the Revolution was “over” (49). Two days later, the deputies having declared their mission completed and the sessions of the National Constituent Assembly at an end, the first of the revolutionary assemblies passed into history.

49. Royal Proclamation

28 September, 1791

**SOURCE: *Moniteur*, 1 October, 1791, Rep., v. 9, p. 834.
See also: Legg, v. 2, pp. 149-151.**

This was the King’s last important pronouncement to the Constituent Assembly. Whatever doubts may be cast upon his sincerity, at least the document represents a serious appeal for national unity in the work of putting the new Constitution into effect.

* * *

Royal Proclamation

Louis, by the grace of God and the Constitutional Law of the State, King of the French, to all citizens, greeting:

I have accepted the Constitution; I shall exert every effort to maintain it and to have it enforced.

The Revolution is over. It is time that order be re-established so that the Constitution may receive the support now most necessary to it; it is time to settle the opinion of Europe concerning the destiny of France, and to show that Frenchmen are worthy of being free.

But my vigilance and solicitude must be aided further by the cooperation of all friends of the *Patrie* and of liberty. It is by submission to the laws, by renunciation of the partisan spirit and all the passions that accompany it, it is by a happy union of sentiments, desires, and efforts that the Constitution will become established, and that the nation may enjoy all the advantages guaranteed by it.

Therefore, may every suggestion of intolerance be forever dispelled-may the thoughtless desire for independence be no longer confused with the love of liberty; may these injurious qualifications, with which it is sought to disquiet the people, be irrevocably banished; may religious opinions no longer be a source of persecution and hatred, and every one, by observing the laws, be able to worship as he pleases; and may all who, holding

different opinions, believe that they are obeying their consciences be no longer insulted.

But it is not sufficient to avoid the excesses into which the spirit of exaggeration might transport you; you must also fulfill the obligations which the public interest imposes upon you. One of the first, one of the most essential, is the payment of the taxes established by your representatives. It is for the fulfillment of promises which national honor has rendered sacred, for the internal tranquillity of the State and for its external security, it is for the very stability of the Constitution that I remind you of this indispensable duty.

Citizens armed for the maintenance of the law, National Guards, never forget that it is to “protect the security of persons and property, the collection of public taxes, the circulation of grain and provisions,” that the arms you bear have been placed in your hands; . . .

And you, . . . members of the several administrative bodies, judges of the courts, justices of the peace, I enjoin you to become imbued with the importance and dignity of your duties; fulfill them with zeal, courage, and impartiality; work with me to restore peace and the reign of law; and, by thus assuring the happiness of the nation, prepare the return of those whose departure was occasioned only by fear of disorders and disturbances.

And all you who for divers reasons have left your *Patrie*, your King recalls you to your fellow citizens; he urges you to defer to the public will and the national interest. Return with confidence, under

the guarantee of the law, and this honorable return, at a time when the Constitution has just been definitively decreed, will facilitate and hasten the re-establishment of peace and order.

And you, the French people, for so many centuries a celebrated nation, show that you are magnanimous and generous at the time of the establishment of your liberty; resume your happy character; may your moderation and wisdom effect among you a rebirth of the security which the tumults of revolution have banished therefrom, and may your King henceforth enjoy, without anxiety, without perplexity, this testimony of love and fidelity which alone can assure his happiness.

Done at Paris, the twenty-eighth of September, one thousand, seven hundred and ninety-one.

Signed, Louis

***Suggestions for Reading and Reference* THE
NATIONAL CONSTITUENT ASSEMBLY**

[See Suggestions for Reading and Reference at end of Chapter Two, *supra*.]

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CHAPTER FOUR--THE LEGISLATIVE ASSEMBLY

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CHAPTER FOUR

THE LEGISLATIVE ASSEMBLY (*1 October, 1791-20 September, 1792*)

The new assembly—the Legislative Assembly as it came to be known, because it legislated under the Constitution of 1791—held its first session on 1 October, 1791.^{[1](#)}

The situation confronting the Assembly was one which required cool-headed leadership, mature judgment, unselfish patriotism, and legislative experience. Unhappily, those were qualities which the members of the new legislature did not possess to any marked extent. The “self-denying” ordinance had deprived France of the services of the experienced legislators who had laid the foundations of the Revolution; and it made inevitable the election of men deficient in training and in “respect” for what had already been accomplished. The Estates General had represented the “best brains” of France; these were now relegated to political oblivion. Paradoxically, the complacent attitude of those who believed that the Revolution was completed had resulted in considerable abstention from the polls; hence, the elections by no means represented the work of the most enlightened section of the electorate.

The seven hundred and forty-five members of the Legislative Assembly were largely petty bourgeois. In theory most of them supported the monarchical constitution of 1791. In practice, however, differences of opinion were soon to divide them into three groups of parties. Some two hundred and fifty conservatives, supporters of constitutional monarchy, enrolled at the Feuillant Club, from which they took their name.² This group, lacking strong leaders, received its motivation chiefly from outside the Assembly, for example, from Lafayette. At the other extreme, some hundred and fifty radicals constituted the "Left," a compact, ambitious group, supported by the Jacobin and Cordelier Clubs, inclined to distrust monarchy, to favor a greater degree of political democracy the problem of the *emigres* and counter-revolution (I), and to find a solution for pressing financial and economic difficulties (VIII). Second came the inauguration and prosecution of a war (II, III, VI, VII). Third, there appeared certain domestic incidents, outstanding among which were a political crisis in the summer of 1792 (IV), the fall of the monarchy (V), the rise of a new commune in Paris (VI), conflict between the commune and the Assembly (VI, VII), disturbances which resulted in the September massacres (VI), and innovations in the form of special legislation on social and cultural matters (VII,

than then existed, and to be highly critical of the work of their predecessors.³ In the center of the Assembly were the moderates. Possessing neither adequate leadership nor definite policies, and subject to intimidation, they voted now with the Right, now with the Left, as circumstances dictated.

The period of the Legislative Assembly may be considered under three headings. First, there was the consolidation and extension of the achievements of the National Constituent Assembly, a heritage which involved an attempt to solve

VIII).

Obviously the Legislative Assembly was more than a mere stopgap between monarchy and republic. If it was found wanting in the perpetuation and preservation of the constitutional monarchy established in 1791, the Assembly can hardly be blamed for failing to maintain that which *refused* to be maintained. If the monarchy fell, the blame lay rather with those of its associates who refused to face realities, to realize that the days of the Old Regime were a thing of the past.

But it is of such stuff that revolutions appear to be made—otherwise this book might well have concluded with Chapter Three. Since it did not, however, it may be expected to continue until the revolutionary process has run its course, the next phase of which was anticipated by providing for a Convention to determine the fate of the monarchy (V, IX).

I. COUNTER-REVOLUTION AND THE REJECTED DECREES

The first major problem to receive the attention of the new assembly was that of counter-revolution, especially as manifested by the *emigres* in the Rhineland.

The danger from the *emigres* was more apparent than real, but the deputies saw in it not only a cause for alarm, but a convenient pretext for discrediting the monarchy and for further attacking the clergy. The Count of Provence was commanded, as “Regent,” to return to France (50). All *emigres* were ordered to do likewise (51), and non-jurors were required to take the civic oath (52). Royal rejection of these last two decrees cast suspicion on the Court, and caused the “Left” to demand more rigorous measures against the enemies of France.

On 14 December, the King announced that he had sent an ultimatum to the Elector of Treves, giving him a month in which to disperse the *emigres* from his territory. The Elector complied, and, on 21 December, the Emperor sent an official note to France, declaring the incident closed.⁴ Leopold added, however, that his troops had orders to “defend” Treves, thereby convincing the radicals that the European powers were preparing an invasion.

Meanwhile, Louis continued his secret counter-revolutionary activities (53), in the hope that intervention might become a reality. Nor was his desire to remain unfulfilled for long—though its fulfillment was not to be what Louis expected. France was drifting steadily toward war.

50. Proclamation Ordering the Count of Provence to Return to France

31 October, 1791

SOURCE: Duvergier, v. 4, p. 12. See also: A. P., v. 34, p. 556; *Moniteur*, 13 December, 1791, Rep., v. 10, p. 609; B. and R., v. 12, pp. 231-232. [Both *Moniteur* and B. and R. include Provence's reply.]

This proclamation was the outcome of a decree of the same day, stating that, since the heir to the throne was a minor, the Count of Provence would be legal Regent if the King were to die; and that, since Provence was absent from France, he would be required to return, as prescribed by the Constitution,⁵ within two months of an official proclamation to that effect. Failure to comply would result in his forfeiting his claim to the Regency. stitution,⁶ summons you to return to the kingdom within two months dating from today; in default of which, and after the expiration of the said interval, you will be deemed to have renounced your contingent right to the Regency.⁷ ⁶

51. Decree Ordering *Emigres* to Return to France

9 November, 1791

SOURCE: Duvergier, v. 4. pp. 14-15. See also: A. P., v. 34, pp. 724-725-*Moniteur*, 10 November, 1791, Rep., v. 10, pp. 332-333; B. and R., v. 12, pp. 218-22L

This and the following document are known as the "rejected decrees," because Louis, on the advice of conservative confidants, vetoed both of them. He was quite within his constitutional rights in so doing,⁸ but in this instance it would have been wiser to refrain from asserting his prerogatives.

A subsequent decree of 9 February, 1792, provided for the confiscation of *emigre* property,⁰ and constituted the first of a long series of such enactments. In general, laws against *emigres* were of three types: against persons (as in the present decree); against property; and those in which alleged *emigres* were specified by name.

1. Frenchmen assembled beyond the frontiers of the kingdom are henceforth declared suspect of conspiracy against the *Patrie*.

2. If they are still assembled on 1 January next, they shall be declared guilty of conspiracy; they shall be prosecuted as such, and punished with death.

3. The absence, on the aforementioned date of 1 January, 1792, of French princes and civil and military public functionaries holding office at the time of their emigration from the kingdom shall render said parties guilty of the same crime of conspiracy against the they shall be punished with the penalty provided by the preceding article.

4. During the first two weeks of the same month, the National High Court shall be convoked if necessary.

5. The income of conspirators who are condemned for contempt of court shall be appropriated during their lifetime for the benefit of the nation, without prejudice to the rights of wives, children, and legitimate creditors.

6. Henceforth all incomes of French princes absent from the kingdom shall be sequestered. No payment of stipend, pension, or income may be made, directly or indirectly, to the said princes or to their mandatories or delegates until otherwise decreed by the National Assembly, under penalty of responsibility and of two years' constraint [*de gene*] against those so ordering and so paying.

Likewise, and under the aforementioned penalties, no payment of stipends or pensions may be made to civil and military public functionaries and state pensioners who are *emigres*, without detriment to the execution of the decree of 4 January, 1790.⁴

[The remainder of article 6, and article 7, provide for the administration of articles 4 and 5 by the local *procureurs-syndics* and *procureurs-generaux-syndics*.]

8. All public functionaries absent from the kingdom without legitimate cause since the amnesty pronounced by the law of 15 September, 1791,⁵ shall be deprived forever of their positions and of all stipend, without prejudice to the decree of 18 December, 1790.⁶

9. All public functionaries absent from the kingdom without legitimate cause since the amnesty are deprived of position and stipend, and, in addition, of the rights of active citizenship.

10. No public functionary may leave the kingdom without a permit from the minister of the

department [of government] in which he holds office, under the penalty provided in the preceding article. The ministers shall be required to furnish the National Assembly with a monthly list of the permits they have issued.

Generals, officers, noncommissioned officers, and soldiers, either of the line or of the National Guards, in garrison on the frontiers may not pass beyond said frontiers, even temporarily, under any pretext whatsoever, without incurring the penalty provided in the preceding article.

11. Every military officer, of whatever rank, who abandons his duties without leave or accepted resignation, shall be deemed guilty of desertion and punished accordingly.

[Article 12 provides for the trial of military offences in conformity with the decree of 15 September-29 October, 1790, on military discipline (Duvergier, v. 1, pp. 371-373).]

13. Every Frenchman outside the kingdom who recruits or enlists individuals to repair to the assemblies mentioned in articles 1 and 2 of the present decree shall be punished with death, in conformity with the law of 6 October, 1790.⁷ The same penalty shall apply to every person committing the same crime in France.

14. The National Assembly charges its Diplomatic Committee with proposing measures which the King shall be requested to take, in the name of the nation, with regard to neighboring foreign powers

which permit assemblies of French fugitives on their territory.

[Articles 15 and 16 provide for the derogation of laws contrary to the present decree, and for the immediate presentation of this decree for royal sanction.]

52. Decree Requiring Non-Juring Clergy to Take the Civic Oath

29 November, 1791

SOURCE: Duvergier, v. 4, pp. 20-22. See also: A. P., v. 35, pp. 435-436 [with a 19th article concerning sanction of the decree]; B. and R., v. 12, pp. 150-156.

Partly as a consequence of the King's vetoing of the preceding enactment, partly because of religious uprisings in the Vendee, the Assembly passed the accompanying decree. In view of Louis' devotion to Catholicism, it is not unusual that he vetoed the document. Despite the royal veto, however, the decree was put into effect in approximately one-half of the departments. The provisions should be compared with those of document 32.

*** * ***

The National Assembly, having heard the report of the civil commissioners dispatched into the department of the Vendee, the petitions of many citizens, and the report of the Committee on Civil and Criminal Legislation relative to the disturbances instigated in several departments of the kingdom,

under pretext of religion, by the enemies of public welfare;

Considering that the social contract must bind, as it must protect equally, all members of the State;

That it is important to define the terms of that engagement without equivocation, in order that confusion in the words may not bring about confusion in the ideas thereof; that the oath, purely civic, is the pledge which every citizen must give of his fidelity to the law and of his devotion to society, and that differences of religious opinion may not constitute an obstacle to the taking of the oath, since the Constitution assures every citizen entire liberty of opinion in matters of religion, provided that *the manifestation thereof does not disturb order, or does not engender actions detrimental to public security*;⁸

That a minister of religion, in refusing to recognize the Constitutional Act, which authorizes him to profess his religious opinions without subjecting him to other obligation than respect for *the order established by law* and for *public security*, would manifest by such refusal his intention not to respect them;

That in not wishing to recognize the law, he voluntarily renounces the advantages which said law alone may guarantee;

That the National Assembly, eager to devote itself to the important matters which demand its attention for the establishment of credit and the system of finances, has seen itself regretfully obliged to

attend first to the disorders which tend to compromise all branches of public service by obstructing the prompt assessment and the peaceable collection of taxes;

That, in tracing the source of such disorders, it has heard the voice of all enlightened citizens proclaiming the ascendancy of this great truth, that for the enemies of the Constitution religion is only a pretext which they abuse, and an instrument of which they are so bold as to avail themselves to disturb earth in the name of heaven;

That such motives imperatively require that the Legislative Body take major political measures to repress the rebels who conceal their plots behind a sacred veil;

That the efficacy of such new measures depends, in great part, upon the patriotism, prudence, and firmness of the municipal and administrative bodies, and the energy which their impetus may impart to all other constituted authorities;

The National Assembly, having first decreed urgency, decrees as follows:

1. Within a week, dating from the publication of the present decree, all ecclesiastics, other than those who have complied with the decree of 27 November last,¹⁶ shall be required to present themselves again before the municipality of the place of their domicile, there to take the civic oath in terms of Title II, article 5 of the Constitution,¹⁷ and to sign the *proces-verbal*, which shall be signed without charge.

2. At the expiration of the aforementioned interval, each and every municipality shall have a list of the ecclesiastics who are domiciled in its territory sent to the departmental directory by way of the district, designating therein those who have taken the civic oath and those who have refused. Such lists shall serve as a basis for the list hereinafter mentioned.

3. Those ministers of the Catholic religion who have set an example of submission to the laws and of devotion to their *Patrie* by taking the civic oath according to the formula prescribed by the decree of 27 November, 1790,¹⁸ and who have not retracted it, are exempted from all new formalities; they are invariably maintained in all the rights attributed to them by previous decrees.

4. No other ecclesiastics may henceforth receive, claim, or obtain any pension or stipend from the public treasury, except by presenting proof of having taken the civic oath in conformity with article 1 above. Treasurers, receivers, or paymasters who have made payments con-

¹⁰ Document 32, *supra*.

¹⁷ Document 48, *supra*.

¹⁸ Document 32, *supra*. *trary to the tenor of the present decree shall be required to restore the amount thereof, and shall be deprived of their positions.*

5. A common fund shall be constituted annually from the pensions of which the ecclesiastics have

been deprived because of their refusal or retraction of oath. Such common fund shall be distributed among the eighty-three departments, to be used by the general councils of the communes, either in works of charity for able-bodied indigent persons or to aid infirm indigent persons.

6. Besides the forfeiture of all stipend and pension, ecclesiastics who have refused to take the civic oath, or who retract it after having taken it, . . . shall be deemed suspect of revolt against the law and of sinister intent toward the *Patrie*, and, as such, more particularly subjected and recommended to the surveillance of all constituted authorities.

7. Accordingly, every ecclesiastic refusing to take the civic oath (or retracting it after having taken it), who is in a commune where disturbances occur, the cause or pretext of which is religious opinion, may be provisionally removed from the place of his customary domicile by virtue of an order of the departmental directory, on the advice of that of the district, without prejudice to denunciation before the courts, according to the gravity of the circumstances.

8. In case of disobedience to the order of the departmental directory, the contraveners shall be prosecuted in the courts and punished by imprisonment in the chief town of the department. The term of such imprisonment may not exceed one year.

9. Every ecclesiastic convicted of inciting disobedience to the law and the constituted

authorities shall be punished with two years' detention.

10. If, on the occasion of religious disorders, seditions which necessitate the movement of the armed force occur in a commune, the expenses advanced by the public treasury for such purpose shall be defrayed by the citizens domiciled in the commune, reserving to them recourse against the leaders, instigators, and accomplices of the disturbances.

11. If the bodies or individuals entrusted with public office neglect or refuse to employ the means confided to them by law for preventing or repressing a disturbance, they shall be personally responsible therefor; they shall be prosecuted, tried, and punished in conformity with the law of 3 August, 1791.¹⁹

¹⁹i.e., 26 and 27 July-3 August, 1791, relative to the use of the public force [Duvergier, v. 3, pp. 141-145].

12. The churches and edifices used for worship, the expenses of which are paid by the State, may not serve any other religion.

The churches and national oratories which the administrative bodies have declared unnecessary for the performance of worship, the expenses of which are paid by the nation, may be bought or leased by citizens connected with any other religion whatsoever for the purpose of solemnizing such religion publicly therein, under the surveillance of the police and the administration; but such privilege may not be extended to ecclesiastics who have

refused the civic oath required by article 1 of the present decree (or who have retracted it), and who by such refusal or retraction, are declared, according to article 6* suspect of revolt against the law and of sinister intent toward the *Patrie*.

13. The sale or leasing of the churches or oratories referred to in the preceding article may not apply to churches in the possession, either separately or in conjunction with the Catholics, of citizens of the Augsburg and Swiss confessions who are maintained in their respective rights in the departments of Haut-Rhin, Bas-Rhin, Doubs, and Haute-Saone, in conformity with the decrees of 17 August, 9 September, and 1 December, 1790.²⁰

14. Every departmental directory shall have two lists drafted: the first comprising the name and abode of sworn ecclesiastics, with a memorandum of those who are without employment and wish to render themselves useful; the second comprising the name and abode of those refusing to take the civic oath, with the complaints and *proces-verbaux* drawn up against them. Said two lists shall be drafted immediately . . .

[Articles 15, 16, and 17 deal with departmental administration of this decree and of previous laws relative to ecclesiastics.]

18. Since it is of utmost importance that the people be enlightened with regard to the snares which are constantly being set for them in the matter of so-called religious opinions, the National Assembly exhorts all worthy souls to renew their efforts and increase their teachings against

fanaticism; it declares that it will regard as a public benefit the writings which are within the capacity of citizens of rural areas, and which are directed to it on this important matter; and, after a report

²⁰ Decree concerning the Protestants of Alsace, 17 August, 1790 [Duvergier, v. 1, n 334V Decree concerning certain Protestants of the Augsburg Confession, 9 September, 1790 *[ibid.]*, p. 365]; Decree concerning the property of Protestants of the Swiss and Augsburg Confessions, 1 December, 1790 *[ibid.]*, v. 2, p. 65]. to it thereon, it shall have such writings printed at State expense, and shall compensate the authors thereof.

53. Counter-Revolutionary Letter from Louis XVI to the King of Prussia

3 December, 1791

SOURCE: **Feuillet de Conches, Felix S., ed., *Louis XVI, Marie-Antoinette et***

Madame Elisabeth: lettres et documents inedits, 6 v. (Paris, 1864-1873), v. 4, pp. 369-371. See also: B. and R., v. 8, pp. 172-173 [erroneously dated 1790; the error is the result of a controversy in which Breteuil was accused of having postdated the document].

This letter is an example of the way in which Louis continued his surreptitious counter-revolutionary enterprises. It was part of an extensive correspondence appealing for foreign intervention. At the time, the existence of such correspondence was suspected, but it was not proved until later.

The letter produced no immediate result. Prussia was unwilling to intervene without Austrian support, and Leopold was hopeful of averting hostilities. Louis persisted, however, and it is noteworthy that, on the very day that he announced the despatch of the ultimatum to the Elector of Treves, he wrote Breteuil expressing the hope that the Powers would intervene.⁹

*** * ***

Monsieur, my Brother,¹⁰

I have learned ... of the interest which Your Majesty has evinced not only in myself but also in the welfare of my kingdom. Your Majesty's inclination to give me proofs thereof, wherever such interest may benefit the welfare of my people, has touched me deeply. I claim it with confidence at this time, when, despite my acceptance of the new Constitution, the insurgents openly profess a scheme for destroying the remnants of the monarchy. I have just addressed myself to the Emperor, to the Empress of Russia, [and] to the Kings of Spain and Sweden, and have presented to them the idea of a congress of the principal powers of Europe, supported by an armed force, as the best method of checking the factious here, or providing means of establishing a more desirable state of affairs, and of preventing the evil which torments us from overcoming the other states of Europe. I hope Your

Majesty will approve my ideas, preserve the most absolute secrecy in the matter, and readily understand that circumstances constrain me to the greatest circumspection. It is for that reason that

only the Baron de Breteuil is informed of my plans, and Your Majesty may communicate your sentiments thereon to him.

... I experience genuine satisfaction in giving Your Majesty assurances of the esteem and affection with which I am,

Monsieur my Brother,

Your Majesty's good brother,

Louis

II. THE COMING OF FOREIGN WAR

Why should anyone in France desire war? To the Girondins, war offered an opportunity to expose the King, to conduct a crusade against "tyrants," perhaps to force Louis to create a Girondin ministry. To the King, war meant foreign intervention, and possible salvation of the monarchy. Virtually alone in opposing war stood a few of the *enrages*, who feared that a war might strengthen the executive branch of the government. Robespierre advocated consolidation of the Revolution, and stressed the lack of preparedness.²³

On 25 January, 1792, the Assembly requested Louis to ask Leopold to state his attitude toward France. The document that the King was required to send to the Emperor amounted to an ultimatum.²⁴ It reflected the point of view of the warmongers, who, at that time, were deriving new vigor from optimistic (but quite unfounded) reports by

Narbonne, Minister of War, giving assurance that France was ready for any contingency.²⁵

Leopold's reply (54) gave rise to demands for war at once. The Emperor's death (on the very day that his reply was being read in the Assembly) brought hope of peace, but the damage was done; and the new Emperor, Francis II, -was one of the Revolution's most ardent opponents.

In March circumstances forced Louis to choose a Girondin ministry, committed to war, and dominated by Dumouriez, an army officer who became Minister of Foreign Affairs. In an attempt to indicate its position, the government issued a formal statement on foreign policy (55), and shortly thereafter, Austria having rejected or ignored all French demands, it brought in an official declaration of war (56).

²³ See Robespierre's speeches of 2 and 11 January, 1792 [Stephens, *Speeches*, v. 2, pp. 304-332].

²⁴ See Duvergier, v. 4, p. 52. .

²⁵ See his reports of 11, 16, 18, 21, 23 January, 1792 [A. P., v. 37, pp. 233-24 ,

447-449, 497-498, 577, 596-598].

At last the aims of the advocates of war seemed to have been achieved. Little did they realize that the war would continue, almost without interruption, until 1815. Still less were they aware of the unpreparedness which was to result in

immediate defeats for both French arms and French diplomacy.

54. Emperor Leopold's Reply to the Legislative Assembly

19 February, 1792

SOURCE: A. P., v. 39, p. 253. See also: *Moniteur*, 3 March, 1792, Rep., v. 11, pp. 527-528; B. and R., v. 13, pp. 353-355.

After strengthening his alliance with Prussia by a defensive treaty, 9 February, 1792, Leopold dispatched his reply to the French "ultimatum." This official note, directed to the French ambassador at Vienna, was read in the Assembly on 1 March. Despite the obvious restraint which characterized most of the document, the uncomplimentary remarks about the Jacobins caused great indignation. The deputies were not aware that it was Kaunitz (who resented the destruction of his Franco-Austrian alliance of 1756) rather than Leopold who was speaking.

*** * ***

The Chancellor of Court and State, Prince Kaunitz-Rietberg, cannot conceal from M. the Ambassador from Paris that the Emperor has been exceedingly amazed by the demands for explanations contained in the dispatch of M. de Lessart, of 21 January,²⁷ as well as by the reproaches and insinuations as to consequences with which they were accompanied.

In reflecting that impartial and pacific intention has never been more clearly enunciated and stated than that of His Imperial Majesty in the affair of the musterings in the territory of Treves; that the nature and the legitimate objective of the proposals for harmony made by the Emperor in the month of July, 1791, as well as the moderation and amicable intention of those which he made in the month of November following,²⁸ could not escape the recognition of the French government, after both have long since transpired, and that even the public news has reported the substance and the essential terms thereof; His Majesty has wondered what then is the aim of this enlightenment on matters which are known to those who request it, of these reproaches which are contrary to all facts and all opinions?

²⁶See Clapham, J. H., *The Causes of the War of 1792* (Cambridge, 1899). For further studies of the war see Suggestions for Reading at the end of this chapter.

²⁷ See A. P., v. 39, pp. 246-248; read in session of 1 March, 1792.

²⁸ The proposal of July doubtless refers to the Padua Circular [document 45, *supra*]; and the November item probably refers to a circular which he sent out on 12 Nov., 1791 [Vivenot, *op. cit. supra*, v. 1, pp. 270-271].

But he readily found the solution of the problem in consideration of the occasions of agitation and outburst which necessitate this proceeding by the French Ministry, in the principles and designs

avowed by the people who brought about these violent circumstances. All Europe is convinced, along with the Emperor, that these people, known by the name of the *Jacobin* party, wishing to arouse the nation' at first to warlike preparations and then to a break with the Emperor' after having used the musterings in the States of Treves as a pretext for the former, now seek to introduce pretexts for war by explanations which they have incited against His Imperial Majesty, in a manner, and accompanied by circumstances, obviously calculated to render it difficult for that Prince to reconcile in his replies the pacific and amicable intentions which animate him with the sense of their wounded dignity, of his peace compromised by the results of their maneuvers.

The Chancellor of Court and State has had no doubt whatever, at any time, that the reply just transmitted by his orders to the imperial *charge d'affaires* at Paris, and the contents of which M. the Ambassador will see in the copy attached hereto,²⁹ will be deemed by France, or at least by the rest of Europe, to be perfectly suited to the situation.

On the other hand, the explanations demanded are clearly provided therein with the greatest overture. The measures of the Emperor are motivated therein by incontestable facts and made apparent by the very terms of his transactions, which he sees himself forced to produce in order to convince the French nation of the calumny of the imputations that have been made in accusing him of having attacked the sovereignty of France by concerts and alliances which tend to interfere with its government and to overthrow or violently change the Constitution; but

that, quite on the contrary, his Imperial Majesty has not at all exceeded the course of conduct which his capacity as ally, friend, and neighbor delineated for him, and which imposed upon him the most justifiable solicitude for the maintenance of public peace.

Again, the Emperor believes it his duty, for the welfare of France and of all Europe, as warranted by the provocations and dangerous conspiracies of the Jacobin party, to unmask and denounce publicly a pernicious sect as the real enemies of the most Christian King and of the fundamental principles of the present Constitution, and as disturbers of peace and general tranquillity.

Will the illegal ascendancy of this sect outweigh in France justice, truth, and the safety of the nation? That is the question to which all others are now reduced. Whatever the outcome, the cause of the Emperor is that of all the powers; and if he is grieved with the present state of affairs, it is only as a consequence of his feelings for and interest in His Most Christian Majesty, and for a kingdom and a nation which are the friends of Austria.

The Chancellor of Court and State gladly favors abstaining from broaching the matter of the quarrels of France with the Germanic Empire, which are not within his immediate province; and he hopes, in general, to find a more agreeable occasion for reiterating to M. the French Ambassador the assurances of his most distinguished respect.

At Vienna, 19 February, 1792.

Signed: KAUNITZ R.

55. Statement of French Foreign Policy

14 April, 1792

SOURCE: Duvergier, v. 4, pp. 106-107. See also: A. P., v. 36, pp. 618-619

[lacks first and last paragraphs]; *Moniteur*, 30 December, 1791, Rep., v. 10, pp. 755— 756; Clercq, v. 1, pp. 213-215 [lacks last paragraph]; Martens, v. 5, pp. 357-360 [lacks last paragraph]. [These four sources date the document 29 December, 1791, the date on which the proposal was presented.]

This document is valuable as an indication of the alleged aims of the party in power, and as a propagandist device, which, in its tone of injured innocence and puerile resentment, is not unlike the pacification documents issued by modern totalitarian states. As is obvious from the explanation accompanying the citation of sources above, the statement was not spontaneous, but had been formulated many weeks prior to its official publication.

*** * ***

The National Assembly, having heard the reading of a projected solemn declaration of the French nation presented by one of its members; [11](#) considering that it cannot too soon manifest the sentiments expressed therein, decrees as follows:

Declaration of the National Assembly

When, for the first time since its day of liberty, the French people sees itself reduced to the necessity of exercising the dreadful right of declaring war, its representatives owe Europe and all humanity a statement of the motives determining the resolutions of France, an exposition of the principles which are to direct its policy.

The French nation renounces the undertaking of any war with a view to making conquests, and will never employ its forces against the liberty of any people.

Such is the text of the Constitution,³¹ such is the sacred wish by which we have bound our happiness to that of all peoples, and we will be faithful thereto.

But who could still regard as a friendly nation one in which an army awaits only the hope of success before attacking! And is not the voluntary lending of one's offices, not only to enemies who have declared war against us but to conspirators who have long since begun it, equivalent to a declaration of war? Everything, then, imposes upon the powers established by the Constitution for the maintenance of peace and security the imperative necessity for using force against the rebels who, from a foreign land, threaten to rend their *Patrie*.

The rights of offended nations, the outraged dignity of the French people, the criminal abuse of the King's name, which impostors use to conceal their disastrous schemes; the distrust which these sinister rumors maintain throughout the realm; the obstacles which such distrust opposes to the enforcement of law and the re-establishment of credit; the means of corruption employed to

bewilder and delude the citizens; the unrest which disquiets the inhabitants of the frontiers; the evils to which the most vain and most promptly repulsed attempts might expose them; the outrages, always unpunished, which they have experienced in lands where rebellious Frenchmen take refuge; the necessity of not allowing the rebels time to complete their preparations and rouse more dangerous enemies against their *Patrie*.

Such are our motives. Never have there been more just, more urgent ones. And in the picture which we here present, we have rather attenuated than exaggerated our injuries. We do not need to excite the indignation of the citizens in order to stimulate their courage.

The French nation will continue, however, to regard as friends the inhabitants of the countries occupied by rebels and governed by princes who protect them. The peaceful citizens whose countries may be occupied by its armies will not be its enemies; they will not be even its subjects. The public force, of which it will become the temporary depository, will be used only to assure their tranquillity and to maintain their laws. Proud of having regained natural rights, it will not abuse them in other men. Jealous of its independence, resolved to be buried under its ruins rather than to allow anyone to dare dictate laws to it or even to guarantee its own laws, it will never attack the independence of other nations. Its soldiers will conduct themselves on foreign territory as they would on French soil if they were forced to fight thereon; and amends will be made for involuntary harm done citizens by the troops.

The refuge it affords foreigners will not be denied the inhabitants of countries, the princes of which have forced it to attack them, and they will find a secure refuge in its bosom. Faithful to the pledges made in its name, it will hasten to fulfill them with generous exactitude; but no danger can make it forget that the soil of France belongs entirely to liberty and that the law of equality must be universal. It will present to the world the new spectacle of a nation truly free, subject to the rules of justice in the midst of the turmoils of war, and respecting everywhere, at all times, with regard to all men, the rights which are the same for all.

Peace, which falsehood, intrigue, and treason have further alienated, will not cease to be our foremost desire. France will take up arms for security and internal peace; but she will be seen laying them down with joy on the day when she is certain of no longer having to fear for that liberty, that equality, which have become the only element in which Frenchmen can live. She does not fear war, but she loves peace; she feels that she needs it, and she is too conscious of her strength to be afraid to admit it.

When, in requesting nations to respect her peace, she took the eternal oath never to disturb theirs, perhaps she deserved to be heeded; perhaps that solemn declaration, that pledge of the peace and happiness of neighboring peoples ought to have merited the affection of the princes who govern them. But those princes, who may have feared that the French nation was seeking to produce internal disturbances in other countries, will learn that the

cruel right of reprisals, justified by custom, condemned by nature, will not cause it to have recourse to those means employed against its peace; that it will be just towards those very ones who have not been just towards it; that everywhere it will respect peace and liberty, and that the men who think they can still call themselves the masters of other men will have only the authority of its example to fear.

The French nation is free, and, what is more, it is conscious of its liberty. It is free; it is armed; it cannot be enslaved. In vain one would count on its internal discords; it has passed the dangerous period of the reformation of its political laws; and, too wise to anticipate the lesson of time, it wishes only to maintain and defend its Constitution. This division between two forces emanating from the same source directed towards the same goal, this last hope of our enemies has vanished at the voice of the *Patrie* in danger; and the King, by the solemnity of his course of action, by the candor of his measures, is showing Europe the French nation strong in all its resources of defence and prosperity. Resigned to the wrongs which the enemies of the human race, united against it, can inflict upon it, it will triumph over them by its patience and courage; victorious, it will desire neither reparation nor revenge.

Such are the sentiments of a generous people, of which the representatives are here honored to be the interpreters; such are the plans of the new policy it is adopting. To repulse force, to resist oppression, to forget all when there is no longer anything to fear, and henceforth to see only brothers in its conquered, reconciled, or disarmed

brothers: such is the desire of all Frenchmen; such is the essence of the war which they will declare on their enemies.

The National Assembly, having heard the reading of the projected solemn declaration of the French nation presented by one of its members, decrees that it adopts the said declaration, orders that it be inserted in its *proces-verbal*, that it be printed and distributed, that it be conveyed to the King by a deputation of twenty-four members, and that it be dispatched to the eighty-three departments of the kingdom, to all regiments of troops of the line, and to all battalions of the volunteer National Guards.

56. French Declaration of War on Austria

20 April, 1792

SOURCE! Duvergier, v. 4, pp. 117—118. See also: A. P., v. 42, pp. 217-218, *Moniteur*, 22 April, 1792, Rep., v. 12, p. 188; B. and R., v. 14, pp. 60-62.

This declaration, which was voted by almost the entire Assembly, applied to Austria as a separate entity and not as the nucleus of the Holy Roman Empire. As in the case of the preceding document, the declaration was obviously propagandist. The claims expressed should be compared with the terms of the treaty which ultimately terminated the hostilities.³

The National Assembly, deliberating upon the formal proposal of the King, considering that the Court of Vienna, in contempt of treaties, has continued to grant open protection to the French rebels; that it

has instigated and formed a concert with several European powers against the independence and security of the French nation;

That Francis II, King of Hungary and Bohemia, has refused, by his notes of 18 March and 7 April last,³³ to renounce such concert;

That, in spite of the proposal made to him in the note of 11 March, 1792,³⁴ to reduce the frontier troops of both sides to peace footing, he has continued and augmented hostile preparations;

That he has formally attacked the sovereignty of the French nation by declaring his wish to support the pretensions of the German princes owning lands in France, and to whom the French nation has continued to offer indemnities;

That he has sought to divide French citizens and arm them against one another by offering support to malcontents through the concert of powers;

Finally, considering that his refusal to reply to the last dispatches of the King of the French leaves no hope of obtaining amicable negotiation, the redress of these several grievances, and is equivalent to a declaration of war;

Decrees urgency.

The National Assembly declares that the French nation, faithful to the principles consecrated by its Constitution *not to undertake any war with a view to making conquests, and never to employ its forces*

***against the liberty of any people,*³⁵ takes arms only to maintain its liberty and independence;**

That the war which it is forced to undergo is not a war of nation against nation, but the just defence of a free people against the unjust aggression of a king;

That Frenchmen will never mistake their brothers for their real enemies; that they will neglect nothing to alleviate the scourge of war, to spare and preserve property, and to cause all the misfortunes concomitant with war to descend upon those who league themselves against their liberty;

That it adopts in advance all foreigners who, abjuring the cause of its enemies, range themselves under its banners and consecrate their

³³ See A. P., v. 40, pp. 661-662 (read in session of 29 March, 1792) and A. P., v. 42, p. 170 (read in session of 19 April, 1792); Duvergier errs in calling him Francis I.

³⁴ See A. P., v. 40, pp. 660-661 (read in session of 29 March, 1792).

³⁵ See document 49 *supra*, Title VI. efforts to the defence of its liberty; that it will ever assist their settlement in France by all the means within its power.

Deliberating upon the formal proposal of the King, and having decreed urgency, the National Assembly declares war on the King of Hungary and Bohemia. ⁸

III. FRENCH MILITARY REVERSES; THE REVOLUTIONARY DECREES

Fortunately for France no serious military undertaking occurred until more than two months after the formal declaration of war. As Robespierre had contended, the country was unprepared for a major campaign. The first engagement, Dumouriez's invasion of the Austrian Netherlands, was to prove that such was the case. The French troops bolted in panic. Moreover, this military reverse was accompanied by a failure in diplomacy. Dumouriez was unable to effect an alliance with Prussia, which, on 1 May, joined Austria in the war.

Actually, neither of the allies was ready to take advantage of France's un-happy plight. Both were occupied with problems in Poland, and by the time these problems had been temporarily solved, France had undergone a rejuvenation. Meanwhile, however, news of the defeat, and of the Prussian declaration of war, produced dismay in France. The Left denounced the generals, and, of necessity, the Girondins supported them. But when the generals endeavored to convince the government that further offensives were not feasible, not only did the Girondins cease to support them, but suspicion of an antiwar conspiracy in high places was aroused. Such suspicion was justified. The Court had been providing Austria with military information (although this was not learned in France until later), and increasing religious conflicts in the west and south heightened the distrust.

In an attempt to recoup their political fortunes, the Girondins resorted to what are known as the

“Revolutionary Decrees,” ordering the deportation of non-jurors (57), suppressing the King’s guard (58), and providing for an army of 20,000 *federes* (59). The King’s withholding of sanction of two of these decrees caused Roland, Minister of the Interior, to publish a frank criticism of such action (60). When the King retaliated by appointing a ministry of Feuillants and supporters of Lafayette, the latter accepted the gesture as a challenge to himself to be “liberator” of France and “protector” of the monarchy. His effort to assume such responsibility, by directing a provocative message to the Assembly,¹² was one of the elements which produced a crisis for the monarchy.

57. Decree Subjecting Non-Juring Priests to Deportation

27 May, 1792

SOURCE: Duvergier, v. 4, pp. 177-178. See also: A. P., v. 44, pp. 168-169

This is the first of the “Revolutionary Decrees.” It was a recapitulation and extension of the legislation against non-jurors. It was devised as a substitute for the rejected decree of 29 November, 1791,³⁷ and as a means of eliminating dangerous enemies. Louis at first withheld sanction, and later vetoed the decree.

*** * ***

The National Assembly, having heard the report of its Committee of Twelve, considering that the disturbances incited in the kingdom by non-juring

ecclesiastics require it to occupy itself immediately with means of repressing them, declares urgency;

The National Assembly, considering that the efforts, to which non-juring ecclesiastics constantly devote themselves, to overthrow the Constitution preclude attributing to such ecclesiastics the will to unite in the social pact, and that to continue to regard as members of society men who obviously seek to dissolve it would be to compromise public safety; considering that laws are impotent against these men who, influencing opinions in order to misguide them, almost always conceal their criminal maneuvers from the eyes of those who might have them restrained and punished; having declared urgency, decrees as follows:

1. The deportation of non-juring ecclesiastics shall take place, as a measure of public security and general police, in the cases and according to the forms hereinafter stated.

2. All who, subject to the oath prescribed by the law of 26 December, 1790,³⁸ have not taken it, shall be deemed non-juring ecclesiastics; likewise, those who, not subject to said law, have not taken the civic oath subsequent to 3 September, the day on which the French Constitution was declared completed; finally, those who have retracted either oath.

3. Whenever twenty active citizens of the same canton unite in requesting the deportation of a non-juring ecclesiastic, the departmental directory shall be required to pronounce deportation if the opinion

of the district directory is in conformity with the petition.

4. Whenever the opinion of the district directory is not³⁹ in con-

³⁷ Document 52, *supra*.

³⁸i.e., 27 November-26 December, 1790 [document 32, *supra*],

³⁹ Duvergier errs in omitting this negative. formity with the petition, the departmental directory shall be required to have commissioners determine whether the presence of the denounced ecclesiastic or ecclesiastics is detrimental to public order and, if the advice of such commissioners is in conformity with the petition, the departmental directory shall be required to pronounce deportation.

5. In the event that a non-juring ecclesiastic has openly incited disturbances, his acts may be denounced to the departmental directory by one or more active citizens, and, after verification of the facts, deportation likewise shall be pronounced.

6. The request or petition mentioned in the preceding articles, which is to be signed by the drafters thereof, shall be remitted by them to the district directory; they shall affirm the truth thereof before the said directory, which shall have a certificate of receipt of said petition delivered to them by its secretary, on free paper and without charge.

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11. . . . ecclesiastics subject to deportation shall be enjoined by an order of the departmental directory to leave the district of their residence within twenty-four hours, the department within three days, and the kingdom within a month. These several time limits shall date from the day of the summons served them . . .

12. A copy of the departmental order shall be sent to each of the ecclesiastics subject to deportation, or to his last known domicile, with a summons to obey and comply therewith. . . .

13. Immediately after such notification, the ecclesiastic shall be required to declare, before the municipality of the place of his residence or before the district directory, the foreign country into which he intends to withdraw; and a passport containing his description, his declaration, the route he is to follow, and the time within which he is to have left the kingdom shall be delivered to him immediately by the municipality or district directory.

14. In the event that the ecclesiastic does not obey the summons served him, the district *procureur-syndic* shall be required to requisition the national *gendarmerie* to have him conveyed, from brigade to brigade, beyond the frontier nearest the place of

his departure; and the expenses of such removal, a *proces-verbal* of which shall be drafted, shall be deducted from his pension or his income.

15. Whenever the ecclesiastic against whom deportation is pronounced has neither pension nor income, he shall receive for his maintenance during the journey three *livres* per day for every ten leagues o the frontier; such expenses shall be borne by the public treasury, and shall be advanced by the treasury of the district in which such ecclesiastic resided.

16. Ecclesiastics against whom deportation has been pronounced [and] who remain in the kingdom after having declared their withdrawal, or who return after their departure, shall be condemned to the penalty of ten years' detention.

17. The departmental directories shall be required to send to the .executive power, which shall render account thereof to the National Assembly, a monthly statement of the names of ecclesiastics whose deportation they have pronounced.

18. By the preceding provisions the National Assembly does not intend to exempt from penalties established by the Penal Code those non-juring ecclesiastics who have incurred them or may incur them henceforth.

19. The present decree shall be submitted this day for sanction.

58. Decree Suppressing the King's Guard

29 May, 1792

SOURCE: **Duvergier**, v. 4, pp. 180-181. See also: **A. P.**, v. 44, p. 305; **Moniteur**, 31 May, 1792, Rep., v. 12, p. 529; **B. and R.**, v. 14, p. 335; **C. and G.**, pp. 48-49.

The second “Revolutionary Decree” suppressed the King’s Guard which had been established in 1791. The Guard was considered, if not actually counterrevolutionary, at least not sufficiently revolutionary in sentiment. The King gave assent to the measure with reluctance, for it left him with no official guard at all.

* * *

The National Assembly, considering that the admission into the King’s present paid guard of many individuals who lack the qualifications required for such service by the Constitutional Act;¹³ that the spirit of *incivisme* which animates this body in general, and the conduct of its superior officers arouse justifiable fears and might compromise both the King’s personal security and public peace, decrees as follows:

1. The King’s present paid guard is disbanded, and shall be renewed, without delay, in conformity with the laws.

2. Until such renewal of the King’s paid guard, the Parisian Guard shall serve his person, as prior to the establishment of the paid guard



5 9. Decree relative to the Formation of an Army of

20,000 *Federes*

8 June, 1792

SOURCE: **A. P., v. 44, pp. 701-702. See also: *Moniteur*, 9 June, 1792, Rep. v. 12, p. 607; B. and R., v. 15, pp. 13-15. [Both these sources lack the tables of assessment of the *federes*.]**

This third “Revolutionary Decree” represents positive action by the Assembly to provide for the defence of Paris, and perhaps, as well, to provide an armed force which the Girondins might control. Fearing that the troops might be used against him, Louis vetoed the measure as in the case of document 57.

*** * ***

The National Assembly, deliberating on the proposal of the Minister of War, converted into a motion by a member, and having heard the report of its Military Committee; considering that it is urgent to transport to the frontiers the troops of the line which are in the capital; considering that it is important to discourage the enemies of the commonwealth who are conspiring in the interior; considering that, on the occasion of 14 July, it is advantageous to draw still closer the bonds of fraternity uniting the National Guards of all other departments with those of Paris, who have served the Revolution so well and have deserved so well of the *Patrie* through their unlimited devotion and laborious and continual service, declares urgency.

The National Assembly, having declared urgency, decrees as follows:

- 1. The armed force already decreed⁴¹ shall be increased by 20,000 men.**
- 2. Such augmentation shall be effected in the departments, and all cantons of the kingdom shall be permitted to contribute thereto.**
- 3. The additional 20,000 men shall assemble in Paris for 14 July next. # •**
- 4. The allotment of the 20,000 men shall be made in each department in proportion to population, and according to the statement annexed to the present decree.⁴²**

⁴¹ e.g., by decree of 27-29 April, 1792 [Duvergier, v. 4, pp. 122-124].

⁴² See A. P., v. 44, pp. 702-703.

5. The departmental directories shall apportion among the districts, and the district directories among the cantons, the number of National Guards requested of each department, in proportion to the population thereof.

8. No citizen who has not done personal service in the National Guard since 14 July, 1790, or since the formation of the National Guard of his commune, or, finally, since he has reached the age of eighteen, shall be permitted to enroll, unless, however, leaving the troops of the line with a discharge in good form, he has entered the National Guard immediately. In presenting himself for enrollment, he shall be required, moreover, to remit to the municipality a certificate of *civisme* signed by the officers,

noncommissioned officers, and National Guards of the company in which he served.

9. The executive power is responsible for providing the arms and equipment of the citizens who constitute part of such augmentation of the public force; it shall give orders so that all articles necessary for clothing them may be assembled in the places intended for their mustering.

10. In view of the rapidity of the march, each volunteer shall be granted five *sous* per league, to be paid in advance by the district collector.

11. The pay shall be the same as that of other national volunteer battalions; like them, they shall receive the gratuities and increases in pay granted to troops in camp.

12. The executive power shall give orders for the provision of necessary camping equipment.

13. The Military Committee shall present, within a week, a plan for the regulation of all matters of detail relative to such augmentation of the armed force.



60. Letter from Roland to Louis XVI

10 June, 1792

SOURCE: A. P., v. 45, pp. 163-165. See also: B. and R., v. 15, pp. 40-45.

Roland's letter (written by his wife) was read in the Assembly on 13 June. Its principal consequences were the dismissal of Roland and two other ministers, the subsequent resignation of Dumouriez (who assumed command of the Army of the North), and a return to a ministry of Feuillants.

*** * ***

Sire:

The present state of affairs in France cannot long continue; it is a state of crisis, the violence of which is reaching its peak; it must be terminated by a measure which should interest Your Majesty as much as it concerns the entire realm.

Honored with your confidence, and placed in a position where I owe you the truth, I shall dare to apprise you fully thereof; it is an obligation imposed upon me by you yourself.

The French people have given themselves a Constitution; it has engendered malcontents and rebels; the majority of the nation wishes to maintain it; it has sworn to defend it at the price of its blood, and it has greeted with joy the war which offered a great opportunity to guarantee it.⁴³ The minority, however, sustained by hope, has united all its efforts to gain advantage. Hence this internal struggle against the laws, this anarchy which good citizens lament and of which malevolent persons take good care to avail themselves in order to calumniate the new regime. Hence this widespread division incited on all sides, for nowhere are people indifferent; they wish either the triumph or the alteration of the

Constitution; they act to support it or to change it. I shall refrain from examining what it is in itself, in order to consider only what circumstances necessitate; and, remaining impartial to the question as far as possible, I shall seek what may be expected and what it is desirable to favor.

⁴³ i.e., the Constitution.

Your Majesty enjoyed great prerogatives which he believed appertained to monarchy. Raised with the idea of preserving them, he has been unable to view their abolition with pleasure; the desire to regain them was as natural as the regret at seeing them destroyed. These sentiments, which proceed from the nature of the human heart, must have entered into the calculations of the enemies of the Revolution. They have counted, therefore, on secret favor until circumstances permit avowed protection. Such tendencies could not escape the nation itself, and it must have regarded them with distrust.

Accordingly Your Majesty has constantly had the alternative of yielding to his early propensities, to his personal inclinations, or of making sacrifices dictated by wisdom, exacted by necessity; consequently, of encouraging the rebels by disquieting the nation, or of appeasing [the nation] by uniting with it. Everything has its hour, and that of uncertainty has finally arrived.

Can Your Majesty openly ally himself today with those who claim to reform the Constitution, or is he to devote himself generously and unreservedly to making it succeed? That is the real problem, the solution of which is rendered inevitable by the

present state of affairs. As for that very metaphysical [problem] of whether Frenchmen are ready for liberty, its discussion has no place here, for it is not a matter of considering what will become of us in a century, but of determining the capabilities of the present generation.

In the midst of the turmoil in which we have been living for four years what has happened? . . .⁴⁴ Privileges burdensome to the people have been abolished; ideas of justice and equality have been universally disseminated, have spread everywhere; opinion regarding the rights of the people has justified the consciousness of such rights; solemn recognition thereof has become a sacred doctrine; hatred of the nobility, inspired long since by feudalism, has become inveterate, aggravated by the manifest opposition of the majority of the nobles to the Constitution which destroys them.

During the first year of the Revolution the people saw in these nobles men who were odious because of the oppressive privileges they had enjoyed, but [men] whom they might have ceased to hate after the destruction of such privileges, if the conduct of the nobility thenceforth had not confirmed all possible reasons for fearing it and combating it as an irreconcilable enemy.

Devotion to the Constitution has increased in the same proportion. Not only did the people owe it obvious benefits, but they thought that greater ones were to follow, since those who were in the habit of making them bear all the burdens were seeking so energetically to destroy or to modify it.⁴⁵

The Declaration of Rights has become a political gospel, and the French Constitution a religion, for which the people are ready to perish.

Moreover, zeal has already supplanted the law on several occasions; and when the latter was not sufficiently restrictive to control agitators, the citizens themselves have assumed responsibility for punishing them.

Thus the property of *emigres* has been exposed to ravages inspired

44 This “omission” appears in the text.

45 i.e., the Constitution. by vengeance; for this reason so many departments have been forced to deal rigorously with priests whom opinion had proscribed and would have victimized.

In this clash of interests all feelings have become impassioned. The *Patrie* is not a word which the imagination delights in embellishing; it is a being to which sacrifices have been made, to which devotion daily increases because of the anxieties it engenders, which has been created as a result of great effort, which arises in the midst of unrest, and which is loved as much for what it costs as for what is expected of it. All attacks upon it are means of stimulating enthusiasm for it. To what height will this enthusiasm mount at the moment when enemy forces, assembled outside, are acting in concert with internal intrigues in order to strike most mortal blows? . . .⁴⁶ Unrest is extreme in all parts of the realm; it will burst forth in a terrible manner unless a rational confidence in the

intentions of Your Majesty can finally calm it; but such confidence will not be established upon protests; it can no longer have a basis in anything but facts.

It is obvious to the French nation that the Constitution can continue, that the government will have all necessary power from the moment when Your Majesty, wishing absolutely the success of this Constitution, supports the legislative body with all the power of enforcement, and removes every pretext for popular unrest and all hope from the malcontents.

For example, two important decrees have been passed; both essentially concern public peace and the safety of the State. Delay in sanctioning them creates distrust; if it is prolonged, it will cause discontent; and I must say, in the present ferment of feelings, discontent may lead to anything.

There is no longer time to withdraw, there is no longer even means of temporizing. The Revolution is accomplished in men's minds; it will be completed at the price of blood and will be cemented with blood, unless wisdom anticipates misfortunes which it is still possible to avoid.

I know that it is possible to think of effecting everything and controlling everything by extreme measures; but when force had been deployed to constrain the Assembly, when terror had been spread throughout Paris, and division and stupor in its environs, all France would rise in indignation, and, rending herself in the horrors of a civil war, would develop that somber strength, mother of

virtues and of crimes, which is always fatal to those who have provoked it.

⁴⁶ This “omission” appears in the text.

The safety of the State and the happiness of Your Majesty are intimately associated; no power is capable of separating them; cruel anguish and certain misfortunes will surround your throne unless it is supported by you yourself on the foundations of the Constitution, and affirmed in the peace which its preservation is finally to secure for us. Thus, the state of mind, the course of events, political reasons, Your Majesty’s interest render indispensable the obligation to unite with the legislative body and to respond to the will of the nation; they make a necessity of that which principles present as a duty; but the sensitiveness natural to this affectionate people is ready to find therein a motive for gratitude. You have been cruelly deceived, Sire, when you were inspired to aversion to or distrust of this easily affected people; it is through being perpetually made uneasy that you have come to manifest a conduct capable of alarming that people itself. May it see that you have resolved to put into effect that Constitution to which it has bound its happiness, and soon you will become the object of acts of thanksgiving.

The conduct of priests in many places, the pretexts with which fanaticism furnished the malcontents have caused a wise law to be passed against these agitators; may Your Majesty give it his sanction; public peace requires it, and the safety of the priests impels it. If this law is not put into force, the departments will be compelled to

make substitutes therefor, as they are taking violent measures on all sides; and the irritated people will supplant it¹⁴ with excesses.

The attempts of our enemies, the agitations manifested in the capital, the extreme unrest which incited the conduct of your guard, which still entertains evidences of the satisfaction given it by Your Majesty in a proclamation, truly impolitic under the circumstances ¹⁵—the situation in Paris, its proximity to the frontiers, have produced an appreciation of the need of a camp in its vicinity. This measure, the wisdom and urgency of which have impressed all good minds, now awaits only Your Majesty's sanction. Why must delays give it the appearance of regret when promptness would win it recognition?

Already attempts of the general staff of the Parisian National Guard against that measure have aroused suspicion that it was acting on the basis of prompting from above; already the declamations of some angered demagogues are awakening suspicions of their connections with those interested in overthrowing the Constitution, already public opinion compromises Your Majesty's intentions; any further delay and the saddened people will believe that they perceive in their King the friend and accomplice of conspirators.

Good heavens! Would you have struck the powers of the earth blind; and will they never have counsels other than those that bring them to their ruin?

I know that the austere language of truth is rarely welcomed at the throne; I know also that it is

because it almost never makes itself heard there that revolutions become necessary; above all, I know that I must speak it to Your Majesty, not only as a citizen subject to the laws, but as a minister honored with his confidence or invested with duties which imply it; and I know nothing that can hinder me from fulfilling a duty of which I am aware.

Life is nothing for the man who considers his duties above all, but, after the happiness of having fulfilled them, the joy to which he still may be sensible is that of thinking that he has acted with fidelity; and that very thing is an obligation for the man in public life.

Signed, ROLAND

IV. THE CRISIS OF JUNE AND JULY, 1792

A demonstration was planned to celebrate the anniversary of the Oath of the Tennis Court in Paris on 20 June. By the time the details were completed, however, it had become far more than a commemorative event. The intervention of several interested groups, with the aid of skilled agitators, had transformed its ultimate objective into forcing the King to restore the Girondins to power. When the day arrived, crowds assembled in the capital and paraded to the Assembly's meeting place. There many of them passed before the President and presented the deputies with a petition (61). Then they moved on, this time to the Tuileries Palace, where some of the less responsible element invaded the royal abode, though without doing damage. Their attempts to force Louis either to

sanction the revolutionary decrees or to recall the Girondin ministry, however, came to naught.^{[16](#)}

The effects of the affair of 20 June were far-reaching. A resurgence of royalism took place in many parts of France, and anti-Jacobin petitions were dispatched to Paris from many departments. This “royalist reaction” was offset, however, by two circumstances. First, Lafayette left his army, hastened to Paris, and denounced the Jacobins. But the King, suspicious of Lafayette’s intentions, refused his assistance; and the general, disheartened and subjected to abuse for having left his post, returned to his troops. Second, the imminent danger of foreign invasion occasioned further fears of the monarchy and of anti-revolutionary conspiracies. More significant than the royalist manifestations, however, was the widespread approval of the events of 20 June shown by Jacobin Clubs and municipalities, some of whom sent congratulatory notes to Paris (62).

Nor was June to see the end of attacks upon the monarchy and its supporters. In July they were resumed. The Assembly decreed the summoning of 20,000 *federes* to Paris, presumably for the Bastille Day celebrations—thus circumventing Louis’ veto of the decree on an army of *federes*.^{[17](#)} On 3 July Vergniaud made an eloquent plea to France and the Assembly, designed to rouse them to a sense of immediate danger and to discredit the King.^{[18](#)} And a week later the Assembly alerted the nation for emergencies.

It was becoming apparent that dangers could be met effectively only if the form of government were

changed. Still, supporters of the Constitution hesitated to face realities; and the Girondins, hopeful of regaining control of the ministry, tried to avoid the inevitable. The extremists, the masses, and the *federes*, however, persisted in their demands for dethronement (63), disregarding Louis' renewal of his oath on 14 July and his hypocritical proclamation of 20 July urging national unity.¹⁹ As for Louis, he did virtually nothing to aid himself. Refusing advice to take direct action against the agitators, and having rejected the assistance of Lafayette, he chose to await action on the part of the allies. Meanwhile, republicanism gained momentum.

By the end of July, 1792, France was on the eve of a new crisis, which was to determine the fate of the monarchy and of revolutionary republicanism. Insurrection was in the air. All that was lacking to precipitate it was a pretext —and that was to be afforded by the foreign enemies of the Revolution before the first week of August had passed.

1

Concerning the organization and conduct of the Assembly, see decrees of 13 June, 1791 [Duvergier, v. 3, pp. 15-21] and 18 October, 1791 [*ibid.*, v. 4, pp. 5-9], For the membership see Kuscinski, August, *Les deutes a l'AssembUe legislative de 1791* (Paris, 1900), and for the presidents and ministers see Stephens, *French Revolution*, v. 2, App. I, II, and Thompson [Am. ed.], App. C, D. There is a good discussion of the oratory of the Legislative Assembly in Stephens, *Speeches*, v. 1, pp. 25-32, and an

interesting “revisionist” estimate of the deputies in Thompson, *French Revolution* pp. 249-253. ’

[2](#)

The Club, as such, ceased to exist in December, 1791, but the name continued to be applied to this faction.

[3](#)

Ultimately the Left split into two factions. The Brissotins were nominally led by Brissot and dominated by such men as Carnot, Vergniaud, and Condorcet. Most of these leaders came from the Gironde, and later the entire group came to be known as the Girondins. They were influenced from outside the Assembly by Mme. Roland, wife of one of their members. In sentiments they were moderate bourgeois republicans, who personified the interests of the provinces.

The remainder of the Left was led by such men as Couthon, and dominated from the Clubs by Robespierre, Danton, and Marat. At first called the *Enragés*, they came to monopolize the title of “Jacobins.” They represented radical, popular republicanism, and, in general, the interests of Paris.

[4](#)

Decree concerning the suspension of pensions and appointments of absent Frenchmen [Duvergier, v. 1, pp. 91-92].

[5](#)

i.e., 13 September; see note 10, *supra*.

[6](#)

Decree concerning the trial of those accused of *lese-majesté* [Duvergier, v. 2, pp. 104-105].

[7](#)

The texts here used appear to err in citing this as 1790. It would seem that the reference is to 25 September-6 October, 1791, i.e., the new Penal Code [Duvergier, v. 3, pp. 352-366].

[8](#)

See Declaration of Rights, art. 10 [document 17, *supra*],

[9](#)

See Feuillet de Conches, *op. cit. supra*, v. 4, pp. 296-303.

[10](#)

This was the customary diplomatic form of address.

[11](#)

i.e., Condorcet [A. P., v. 36, pp. 618—619]; the declaration is the same in content as this document.

[12](#)

Mtmoires, correspondences et manuscripts du Gintral Lafayette, publiS par sa famille, 2 v. (Brussels, 1837), v. 2, pp. 415-419.

[13](#)

Document 48, *mpira*, Title III, Ch. 2, sec. 1, art. 12.

[14](#)

i.e., the law.

[15](#)

This probably refers to Louis' letter of reproof to Petion, Mayor of Paris 23 May, 1792 [A. P., v. 44, pp. 101-102].

[16](#)

Two days later Louis issued a proclamation on the events of 20 June, showing his antagonism towards the “rebels” of Paris [Duvergier, v. 4, pp. 223-225].

[17](#)

Among the *ftdtres* already on their way to the annual festival was a contingent from Marseilles. They lightened their long journey by singing a new song which ultimately derived its name from them (*La Marseillaise*), and became the national anthem of modern France. [See Pierre, Constant, *Les hymnes et chansons de la Revolution* (Paris, 1904), pp. 223-275.]

[18](#)

See Stephens, *Speeches*, v. 1, pp. 299-316.

[19](#)

Duvergier, v. 4, pp. 260-261.

61. Petition of Agitators

20 June, 1792

SOURCE: *Moniteur*, 22 June, 1792, Rep., v. 12, p. 717. See also: A. P., v. 45, pp. 416-417; B. and R., v. 15, pp. 136-140. [There is a slight variation among the texts.]

This petition gives some indication of the wishes of the Parisian populace, especially with regard to the King. The classical allegory in the document suggests the work of an agitator far removed, in background and interests from the *profanum vulgus*.

Legislators, the French people comes today to present you with its fears and anxieties. It is in your midst that it divests itself of its alarms and that it hopes at last to find the remedy for its ills. This day recalls the memorable occasion of the 20th of June at the Tennis Court, where the representatives of the people met and swore before heaven never to abandon our cause, but to die in defence of it.

Recall, Gentlemen, that sacred oath, and allow this same people, afflicted in its turn, to ask if you will abandon it. In the name of the nation, whose eyes are fixed on this city, we come to assure you that the populace has risen, is equal to the occasion, and is ready to use every means to avenge the majesty of the outraged people. These severe measures are justified by article 2 of the Declaration of the Rights of Man, *resistance to oppression*.

What a misfortune, however, for the free men, who have delegated all their powers to you, to see

themselves reduced to the cruel necessity of imbruing their hands in the blood of conspirators! ... the plot is discovered; the hour is at hand. The tree of liberty that we are about to plant will flourish in peace, or blood will flow.

Legislators, do not let these words startle you. We do not belong to any party; we do not wish to adopt anything that is not in accord with the Constitution. Do the enemies of the *Patrie* think for a moment that the men of the 14th of July are asleep? If they have appeared to be, their awakening is terrible; they have lost none of their energy. The immortal Declaration of the Rights of Man is too profoundly graven upon their hearts. That precious possession, that possession of all nations, will be defended by them, and nothing can deprive them of it. It is time, Gentlemen, to put into effect that article 2 of the Rights of Man. Follow the example of Cicero and Demosthenes, and unveil in open senate the perfidious machinations of the Catalines. You have men animated by the sacred fire of patriotism; let them speak, and we will act. . . . Since the image of the *Patrie* is the sole divinity which it is permissible to worship, would that divinity, so dear to all Frenchmen, find dissenters from its worship in its very temple? Are there any? Let them be named, the friends of arbitrary power! Let them make themselves known! The people, the true sovereign, is there to judge them. Their place is not here. Let them purify the land of liberty; let them go to Coblenz to join the *emigres*! Near them their hearts will be gladdened; there they will distill all their venom, plot without regret; there they will conspire against their *Palrie*, which will never be afraid.

Thus spoke Cicero in the Senate of Rome, when he urged the traitor Cataline to go join the camp of traitors to the fatherland. Therefore, put into effect the Constitution, the will of the people which sustains you, which will perish in order to defend you. Unite, act; it is time. Yes, it is time, legislators, that the French people shows itself worthy of the character it has assumed. It has demolished prejudices; it intends to remain free, to deliver itself from the tyrants leagued against it. You know these tyrants; do not yield to them . . .

**The executive power is not in accord with you. We do not wish any other proof of this than the dismissal of the patriotic ministers. Shall the welfare of a free people then depend upon the caprice of a king? Is this king to have any other will than that of the law?
. . .**

We complain, Gentlemen, of the inactivity of our armies. We demand that you investigate the cause of this. If it derives from the executive power, let that be destroyed! The blood of patriots must not flow to satisfy the pride and ambition of the perfidious palace of the Tuileries.

Who, then, can stop us in our course? . . . Since the cause is a common one, action should be universal; if the first defenders of liberty had thus temporized, would you be sitting in this august areopagus today?

Reflect carefully upon this matter; nothing can stop you; liberty cannot be suspended. ... a single man must not influence the will of twenty-five million men. If, out of respect, we maintain him in his position, it is on condition that he will fill it

constitutionally; if he deviates from that, he is no longer anything to the French people.

We complain, finally, of the dilatoriness of the National High Court. You have entrusted it with the sword of the law; why does it wait to apply it to the heads of the guilty ones? Can it be that the civil list here again has some influence? Can it be that there are privileged criminals whom it can shelter with impunity from the vengeance of the law? Will the people be forced to return to the time of the 14th of July, again to take up that sword itself, to avenge at a single stroke the outraged law and punish the guilty and pusillanimous depositaries of that same law? No, Gentlemen, no; you see our fears, our alarms, and you will dissipate them. ^m

We have set forth in your midst a great grief. We have opened our' hearts, long since embittered. We hope that the final appeal which we are addressing to you will make itself felt among you. The people is here; it silently awaits a response worthy of its sovereignty. Legislators we demand the permanence of our arms until the Constitution is put into effect.

This petition is not that of the inhabitants of the Faubourg Saint-Antoine alone, but of all sections of the capital and of the environs of Paris.. The petitioners of this address request the honour of filing before you.

62. Address of the Commune of Marseilles

27 June, 1792

SOURCE: A. P., v. 46, pp. 383-384.

One of the most significant of the communications from the provinces to the capital was this address from the Commune of Marseilles. It was read in the Assembly on 12 July. Of special interest are the demands made and the attitude of suspicion expressed toward the King.

*** * ***

Legislators, The nation entrusts you with the maintenance and defence of its liberty, its independence, and the sovereignty of its rights. The law relative to monarchy, which your predecessors established without any regard for the claims and grievances of the nation, is contrary to the rights of man. It is time that that tyrannical law at last be abolished, that the nation make use of all its rights, and that it govern itself.

Legislators, the principles of the constitution of every free nation, which your predecessors decreed, which Frenchmen have adopted and have sworn to defend, give us the right thereto. These are, *“Men are born and remain free and equal in rights. Social distinctions may be based only upon general usefulness.”* [1](#)

“The aim of every political association is the preservation of the natural and inalienable rights of man. These rights are liberty, property, security, and resistance to oppression.” ⁵⁴

“All citizens are equal before the law; all are equally admissible to all public offices, positions, and employments, according to their capacity, and

without other distinction than that of virtues and talents.” 55

Such, legislators, are the eternal bases of all political principles. Whatever is contrary to such principles must be excluded from a free constitution. How, then, could our constituents, your predecessors, establish upon such bases that monstrous pretension of a particular family to which the crown would be delegated hereditarily, by order of primogeniture? What can that reigning family be at a time when everything must be regenerated? What has that reigning family done to be preferred to every other? Is it necessary to make a law for the inviolability of one person? Does that inviolability guarantee him against the blades of assassins? Is the privilege not subversive of every principle? Who would recognize therein the principles of that sovereign reason which consecrated the inalienable rights of man by decreeing that there no longer was any hereditary distinction? Is that supreme distinction founded upon general usefulness? Who is the wise constituent who can assure and guarantee that the son of the greatest, of the most just of kings, will be like his father, that he will not be a traitor, a scoundrel? Would it follow, then, that, in conformity with that pernicious law, he might be perverse, and with impunity bring wretchedness upon men whom that same law would subject to the fury of his crimes? No, legislators, it is only the hired abettors of tyranny who have been capable of abandoning themselves to such delirium! And it is in the sanctuary destined for the triumph of liberty, reason, and justice that that usurped pretension has obtained the force of law! What

infamy! The nation cannot subscribe to it. It once made vain claims; today it wants them to be effective. Since it is the sole sovereign, it has the incontestable right to approve or reject the laws which its representatives impose upon it.

What, then, has this ruling family done to be elevated to this position? Can it be the ruin of our finances, can it be the sceptre of iron with which it smote us, while pillaging us of our gold and exhausting our sustenance, that have given rise to this homage? Or, indeed, can it be the hereditary descendants of that family, prolific in rebellious

⁵⁴ *Ibid.*, art. 2.

⁵⁵ Cf. document 17, *supra*, art. 6.

***emigres*, burdened with debts, accusations, and crimes, that our constituents would fain have forced us to recognize as masters: Do not be offended by that word, legislators. It signifies nothing for us. But such is the pretension of kings, such is the intention of cowards and slaves.**

*** * ***

Does not the gold of that enormous civil list, which cannot be diminished until a change of reign, perpetuate the means of corruption? And might not those means ruin the nation before it had the right to abolish them? And that independent guard which our consti-tuents granted their King, which the nation pays for by maintaining the civil list, can a private force exist in accordance with the terms of the Rights of Man? And if it is a public force, can it

serve the King alone? And is not that law whereby the choice and dismissal of ministers appertain to the King alone, despite their alleged responsibility, an inexhaustible source of abuses, crimes, and disorders, a source of eternal divisions and contradictions? And, finally, does not that suspensive *veto*, opposed to our best laws by the power of a single person, contrary to the general will, radically destroy our Constitution? Can the legislative power exist in the presence of that destructive law of the absolute executive power? And can the judicial power, to which the legislative power gives being and life, be effective if the executive power paralyzes our laws?

Avow, legislators, that our constituents have constituted nothing; and if you wish to be something, if you wish to be useful to the nation, abrogate a law which nullifies the national will.

We all know the history of our misfortunes. It would be useless to review it. The indignation which it provokes has reached its height. Let us hasten to destroy the cause of it and re-establish ourselves in our rights. Let the executive power be appointed and renewed by the people, as are, with some slight differences, the other two powers; and soon all will be restored.

Done at Marseilles, in the Town Hall, 27 June, Year IV of liberty.

***Signed:* The General Council of the Commune of Marseilles**

[Then follow the signatures of all but four of the municipal officials and notables.]

63. Address of the *Federes* at Paris

23 July, 1792

SOURCE: A. P., v. 27, pp. 69-70.

An interesting example of the petitions presented by the *federes* is this address of 23 July. In its demand for suspension of the King it indicates the extent to which republican propaganda had affected the troops from the departments. The tabling of the petition by the Assembly left that body open to suspicion as a protector of the King.

*** * ***

Representatives, elected by the people to defend and preserve their rights, hearken again today to the cry of grief!

Some weeks have passed since you declared that the *Patrie* was in danger, and you show us no means of saving it. Can it be that you are still ignorant of the cause of our ills, or can it be that you are ignorant of the remedies for them? Well, legislators, we citizens of the eighty-three departments, we, whom love of liberty alone has assembled here, we who are strong in the well-considered and vigorously expressed opinion of all Frenchmen, we show you that remedy, we tell you that the source of our ills lies in the abuse which the head of the executive power has made of his authority; we tell you that it exists, moreover, in the general staffs of the army, in a large proportion of the departmental

and district directories, and in the courts. We tell you further, with the candor of a free people, a people standing together to defend its rights, that it is present, in part, in your own midst.

Legislators, the danger is imminent! It can no longer be dissembled! The reign of truth must begin! We are courageous enough to come to tell you about it; be courageous enough to listen.

Deliberate, forthwith and without intermission, upon the only means of remedying our ills. Suspend the executive power as was done last year. Thereby you will cut the root of all our ills. We know that the Constitution does not mention dethronement; but in order to declare that the King has forfeited the throne, he must be judged; and in order to judge him, he must be provisionally suspended. Convoke the primary assemblies in order to place yourselves in a position to learn, in a mediate manner, the will of the majority of the people concerning a national convocation with regard to the so-called constitutional articles relative to the executive power.

Legislators, there is not an hour, not a second to lose! The evil is at its height! Spare your *Patrie* a universal shock! Make use of all the power it has entrusted to you, and save it yourselves! Would you fear to call down upon your heads a terrible responsibility, or else (which we do not believe) would you give the nation a proof of impotence? Only one recourse would remain to it, namely, that of deploying all its force and crushing its tyrants. All of us, you as well as ourselves have sworn a hundred times to live free and to die

defending our rights. Well, we have just renewed that oath, which makes despots tremble when it is pronounced by men of determination. Either we shall emerge from this struggle free, or the tomb of liberty will encompass us.

V. THE INSURRECTION OF AUGUST, 1792

The King and Queen had been urging the allies to denounce the French radicals, and, at the same time, to allay fears of foreign intervention by renouncing the *emigres*. The crisis of June and July stirred the *emigres* to final desperation, which took form in the ominous counter-revolutionary Brunswick Manifesto (64).

The Manifesto, however, only roused the radicals to further action. Despite Louis' repudiation of the document, plans for an insurrection continued. On 3 August the Paris sections again petitioned the Assembly to depose the King. The Assembly's hesitation in responding to the demand evoked from the Faubourg Saint-Antoine an ultimatum that if Louis were *not* deposed by midnight of 9 August, the Tuileries would be attacked.

Louis endeavored to avert disaster by distributing bribes among the leaders— who accepted the money, but continued to plan their insurrection. The Girondins placed their hopes on the National Guards, and on assurances of security by the mayor. And the Assembly tried to create security by legislation.² Unwillingness to resort to deposition, however, left the Assembly vulnerable. At midnight the tocsin sounded. The insurrection had begun!

During the night a new insurrectionary republican commune established itself (illegally) in Paris, and the commandant of the National Guard was replaced by the brewer Santerre of the Faubourg Saint-Antoine. In the morning the Tuileries Palace was stormed. The National Guards on duty there offered no opposition, thus leaving only a few faithful Swiss Guards as defenders of the palace. Finally, Louis, from his place of refuge in the Assembly, ordered the

Swiss to cease firing—at which the rabble stormed into the palace and slaughtered them.⁵⁷

The insurrection of 10 August overthrew the monarchy and discredited the Assembly. Revolutionary Paris under its new commune became the dominant force. The Commune warned the Assembly that it would be disestablished as soon as a Convention was convoked to take charge of the situation. Yet, despite the obvious fall of the monarchy, the Assembly refused to dethrone Louis. Instead, it decreed his “suspension” until the Convention had been elected.

At the same time, the Assembly discontinued the civil list, created a provisional executive council of six ministers, provided for a governor for the Dauphin and for incarceration of the Royal Family in the Temple,⁰⁸ and endeavored to maintain order by authorizing a house-to-house search for arms. And on 11 August it provided for the election of a Convention (65).

Some six weeks were to elapse before the Convention took form. Meanwhile, the attention of

the French people and their temporary government was to be occupied with many matters of serious concern. Among the first of these were the conflict between the Assembly and the Commune, and the invasion of France by the Prussians,

64. The Brunswick Manifesto

25 July, 1792

SOURCE: *Moniteur*, 3 August, 1792, Rep., v. 13, pp. 305-306. See also: A. P., v. 47, pp. 372-373; B. and R., v. 16, pp. 276-281.

Drafted by an obscure *emigre*, and signed, somewhat reluctantly, by the Duke of Brunswick, Commanding Officer of the allied armies, this manifesto was issued on 25 July, 1792. It reached Paris three days later, was read in the Assembly on 1 August, and was published on 3 August. Coming at a time when agitation against the King was at its height, it provided the republicans with what appeared to be incontrovertible proof of his treachery.

*** * ***

Their Majesties, the Emperor and the King of Prussia, having entrusted me with the command of the combined armies which they have assembled on the frontiers of France, I have resolved to announce to the inhabitants of that kingdom the motives that have determined the actions of the two sovereigns and the intentions that guide them.

After having arbitrarily suppressed the rights and possessions of the

⁵⁷ Concerning the August insurrection see: Mathiez, Albert, *Le dix août* (Paris 1931); Sagnac, Philippe, *La révolution du 10 août 1792; . . .* (Paris, 1909), Standard works on the commune are: Braesch, Fritz, *La commune du dix août; . . .* (Paris 1911); Lacombe, J. P., *La première commune révolutionnaire de Paris* * ' (Paris 1911). * ' * v '

⁵⁸ The Temple was a group of buildings formerly owned by the Knights Templars.

German princes in Alsace and Lorraine, disturbed and overthrown good order and legitimate government, committed against the sacred person of the King and his august family outrages and violence which are still continued and repeated daily, those who have usurped the reins of administration have finally filled the cup to overflowing by causing an unjust war to be declared against His Majesty the Emperor, and by attacking his provinces situated in the Low Countries. Some of the possessions of the Germanic Empire have been involved in this oppression, and several others have escaped the same danger only by yielding to the imperious threats of the dominant party and its emissaries. His Prussian Majesty, united with His Imperial Majesty by the bonds of a close and defensive alliance,⁵⁹ and himself a preponderant member of the Germanic body, could not, therefore, absolve himself from marching to the aid of his ally and co-state; and it is in this dual relationship that he assumes the defence of this monarch and of Germany.

To these noble interests is added still another aim, equally important and very dear to the hearts of the two sovereigns: to terminate anarchy in the interior

of France, to check attacks on the Throne and the Church, to re-establish legal power, to give the King the security and liberty of which he is deprived, and to enable him to exercise the legitimate authority which is his due.

Convinced that the sound part of the French nation abhors the excesses of a faction which subjugates it, and that the majority of the inhabitants impatiently awaits the moment of relief in order to declare openly against the odious enterprises of its oppressors, His Majesty the Emperor and His Majesty the King of Prussia summon and invite them to return without delay to the ways of reason, justice, order, and peace. It is in accordance with these views that I, the undersigned, general commander in chief of the two armies, declare:

1 st, That, drawn into the present war by irresistible circumstances, the two allied courts propose no other aim than the welfare of France, and do not intend to enrich themselves by conquests;

2nd, That they do not intend to interfere in the internal government of France, but wish only to deliver the King, the Queen, and the Royal Family from their captivity, and to procure for His Most Christian Majesty the necessary security to enable him, without danger or hindrance, to hold whatever convocations he deems suitable, and to labor to assure the welfare of his subjects, according to his promises and in so far as it is within his power;

5° Treaty of Berlin, 7 Feb., 1792 [Martens, V. 5. pp. 301-306],

3rd, That the combined armies will protect the cities, towns, and villages, and the persons and property of all who submit to the King, and that they will co-operate in the immediate re-establishment of order and police throughout France;

4th, That the National Guards are called upon to supervise provisionally the peace of the cities and rural districts, the security of the persons and property of all Frenchmen, until the arrival of the troops of their Imperial and Royal Majesties, or until otherwise ordered, under penalty of being personally responsible therefor; that, on the contrary, those National Guards who have fought against the troops of the two allied courts, and who are captured bearing arms, will be treated as enemies and punished as rebels against their King and as disturbers of the public peace;

5th, That the generals, officers, noncommissioned officers, and soldiers of the French troops of the line likewise are summoned to return to their former fidelity, and to submit immediately to the King, their legitimate sovereign;

6th, That the members of the departments, districts, and municipalities likewise shall be responsible with their lives and property for all offences, fires, murders, pillaging, and acts of violence which they permit or which they manifestly have not exerted themselves to prevent within their territory; that they likewise shall be required to continue in office provisionally, until His Most Christian Majesty, restored to full liberty, has subsequently provided therefor, or until otherwise ordered in his name in the meantime;

7th, That inhabitants of the cities, towns, and villages who dare defend themselves against the troops of their Imperial and Royal Majesties, and fire on them either in the open country or through the windows, doors, and openings of their houses, shall be punished immediately, according to the rigor of the law of war, and their houses demolished or burned. On the other hand, all inhabitants of the said cities, towns, and villages who hasten to submit to their King, by opening their doors to the troops of Their Majesties, shall be placed at once under their immediate protection; their persons, property, and effects shall be under the protection of the laws, and the general security of each and every one of them shall be provided for;

8th, The city of Paris and all its inhabitants, without distinction, shall be required to submit at once and without delay to the King, to place that Prince fully at liberty, and to assure him, as well as all royal personages, the inviolability and respect which the law of nature and of nations requires of subjects towards their sovereigns; their

Imperial and Royal Majesties hold all the members of the National Assembly, of the department,⁶⁰ district, municipality, and National Guard of Paris, the justices of the peace, and all others concerned personally responsible with their lives for whatever may happen, to be punished by military law, without hope of pardon. Their said Majesties further declare, on their faith and word as Emperor and King, that if the Palace of the Tuileries is entered by force or attacked, if the least violence, the least outrage be done Their Majesties, the King, the Queen, and the Royal Family, if their security, preservation,

and liberty be not provided for immediately, they will exact an exemplary and ever-memorable vengeance thereon by delivering the city of Paris to military punishment and total destruction, and the rebels who are guilty of outrages, to the punishments they deserve. On the other hand, Their Imperial and Royal Majesties promise the inhabitants of the city of Paris to use their good offices with His Most Christian Majesty to obtain pardon for their misdeeds and errors, and to take the most vigorous measures to assure their persons and property if they obey the above injunction promptly and exactly.

Finally, ' Their Majesties, recognizing in France only those laws which emanate from the King, in the full enjoyment of liberty, repudiate in advance the authenticity of all declarations made in the name of His Most Christian Majesty, so long as his sacred person, that of the Queen, and all the Royal Family are not really secure; to which end their Imperial and Royal Majesties invite and solicit His Most Christian Majesty to designate the city in his kingdom, nearest the frontiers, to which he deems it fitting to retire with the Queen and his family, under a proper and trustworthy escort, which will be sent him for such purpose, in order that His Most Christian Majesty may in all security summon about him such ministers and councillors as it pleases him to designate, hold such convocations as appear to him suitable, provide for the re-establishment of good order, and regulate the administration of his kingdom.

Finally, I declare and obligate myself, moreover, in my own private name and in my aforementioned capacity, to have the troops under my command

observe proper and correct discipline everywhere, promising to treat with kindness and moderation those well-intentioned subjects who show themselves peaceable and submissive, and to use force only against those who render themselves guilty of resistance or ill will.

For these reasons I require and exhort all inhabitants of the king-

⁶⁰ The word “department” is omitted in the draft published in the *Moniteur*. dom, in the most forceful and urgent manner, not to oppose the progress and operations of the troops which I command, but rather to grant them everywhere a free entry and all the good will, aid, and assistance which circumstances may require.

Given at headquarters at Coblenz, 25 July, 1792.

Signed, CHARLES-WILLIAM-FERDINAND,

Duke of Brunswick-Lunebourg

65. Decree concerning the Election of a National Convention

11 August, 1792

SOURCE: Duvergier, v. 4, p. 297 [lacks table]. See also: A. P., v. 48, pp. 29-31; *Moniteur*, 13 August, 1792, Rep., v. 13, pp. 391-392; B. and R., pp. 43-45; Helie, pp. 329-331 [in sixteen articles].

Of special interest in this document is the suppression of the division of citizens into “active” and “passive” categories. The provisions connected

with the actual exercise of the franchise should be compared with those in documents 3, 20, 21, 47, 48.

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The National Assembly, considering that it has no right to submit to imperative rules and exercise of sovereignty in the formation of a National Convention, but that, nevertheless, it is important for public safety that the primary and electoral assemblies constitute themselves at the same time and act with uniformity, and that the National Convention be promptly assembled;

Calls upon the citizens in the name of liberty, equality, and the *Patrie* to comply with the following regulations:

- 1. The primary assemblies shall choose the same number of electors that they chose in the last elections.**
- 2. The division of Frenchmen into active and passive citizens shall be suppressed, and in order to be admitted to citizenship, it shall suffice to be a Frenchman, aged twenty-one years, domiciled for a year, living from his income or the product of his labor, and not in a position of domesticity. As for those who, possessing all the qualifications of active citizenship, were summoned by law to take the civic oath, they shall be required, in order to be admitted, to give proof of having taken such oath.**
- 3. Since the conditions of eligibility required for electors or for representatives are not at all applicable to a National Convention, it shall suffice, in order to be eligible as deputy or elector, to be**

aged twenty-five years and to possess all the qualifications required by the preceding article.

4. Every department shall elect the number of deputies and alternates it elected for the present legislature.

5. The elections shall take place in the same manner as for legislative assemblies.

6. The primary assemblies are requested to invest their representatives with unlimited confidence.

7. The primary assemblies shall convene on Sunday, 26 August, to choose the electors.

8. The electors chosen by the primary assemblies shall convene on Sunday, 2 September, to proceed with the election of deputies to the National Convention.

9. The electoral assemblies shall be held in the places indicated in the table annexed to the present decree.⁶¹

10. Because of the necessity of hastening the elections, the presidents, secretaries, and tellers, both in primary and in electoral assemblies, shall be chosen by relative plurality and single ballot.

11. The choice of primary and electoral assemblies shall rest with every citizen who possesses all the qualifications above stated, whatever his present or previous public functions.

12. The citizens in the primary assemblies and the electors in the electoral assemblies shall take oath

to maintain liberty and equality, or to die defending them.

13. The deputies shall repair to Paris on 20 September, and they shall have themselves enrolled at the archives of the National Assembly. When they number two hundred, the National Assembly shall indicate the day of the opening of their sessions.

14. The National Assembly, after having indicated to the French citizens the rules with which it believes it ought to invite them to comply, considering that both circumstances and justice necessitate an indemnity for the electors, decrees that electors who are obliged to absent themselves from their domicile shall receive twenty *sous* per league, and three *livres* per day of sojourn.

For more prompt dispatch, the above instruction and decree shall be addressed directly to the district administrations and the depart-

⁰¹ See A. P., v. 48, p. 31. mental administrations; a sufficient number of copies shall be dispatched to every district administration in order that it may transmit one without delay to each and every municipality.

VI. THE ASSEMBLY AND THE COMMUNE; THE INVASION OF FRANCE; THE SEPTEMBER MASSACRES

4

Most of the six weeks before the meeting of the Convention were spent in a conflict for power between the Assembly and the Commune.

Following the fall of the monarchy, Lafayette fled across the frontier. To prevent further defections, the Assembly sent representatives to the armies to “supervise” the generals; and the Commune sent similar representatives to the departments. Local so-called patriots established committees to keep watch over “suspected” persons, and, since many of the departmental officials were not in sympathy with the events of 10 August, conflicts arose between them and these new extralegal agencies. On 15 August all public officials were required to take a new oath of office; and a decree was passed providing for the arrest of relatives of *emigres*.

The Commune, seeking punishment of defenders of the monarchy, forced the Assembly to decree the creation of a special court to try all the “conspirators” of 10 August (66). On 18 August all religious houses were declared sequestered, and the rejected decree of 29 November, 1791, was legalized.⁶² On 26 August a comprehensive enactment was passed against all non-jurors, in what proved to be a relatively futile attempt to vitiate the influence of the priests on the impending elections to the Convention. Incidentally, on the same day the Assembly bestowed French citizenship on several foreigners (67).

Several of the middle-class sections of the capital and some of the neighboring departments offered such opposition to the Commune that, on 30 August, the Assembly again ventured to order its dissolution. As before, however, the Commune refused to obey, and the Assembly was reluctant to enforce its order. The ensuing impasse was broken only by the necessity occasioned by the course of the war, and

the Commune was permitted to continue in a modified form.

On 24 August news had reached Paris that the Prussians had captured the frontier fortress of Longwy. In view of the dilatory working of the new court, fresh demands were made for vengeance on enemies of the Revolution. These demands were intensified by the spread of rumors concerning royalist activities in the west and southwest. The Commune increased its efforts on behalf of organizing the defence of France and protecting Paris. All too soon those efforts were to take the form of terrorism.

⁶² See document 52, *supra*.

The defence activities of the Commune included a house-to-house search for arms and traitors. The search produced more “suspects” than arms, and the continued slowness of the special court in handling the new prisoners aggravated the situation. When on 2 September news came of the siege of Verdun directly on the road to Paris, conditions reached the crisis stage. The Commune ordered the city closed and summoned volunteers. Then came the fateful question—should these volunteers depart for battle leaving their families in a city in which the prisons were filled with counter-revolutionaries? The answer was given when, on the same day, there began a wholesale massacre of the imprisoned suspects.

For four days the slaughter continued, setting a grisly example which was to be followed on a smaller scale in other cities. The Assembly did nothing

except pass a decree, on 3 September, for the “security of persons and property.” (It was not until later that the Girondins saw fit to indulge in open condemnation of the occasion.) The Commune gave tacit support, as may be deduced from the report of its commissioners to the Assembly (68). The press seemed to regard the affair with complacency. And Danton, Minister of Justice, gave the impression of being powerless to intervene.³

The September massacres cannot be condoned, but they may be understood in the light of circumstances. They were occasioned by fear and hysteria. To the average Frenchman they doubtless seemed a regrettable but unavoidable necessity. In view of some of the modern counterparts in totalitarian states, it should be remembered that at times it is difficult to tell just when the local authorities lose control of such a situation.

Both the August insurrection and the September massacres were to have significant consequences in the immediate future,

66. Decree Establishing a Special Criminal Court

17 August, 1792

SOURCE: Duvergier, v. 4, pp. 317-318. See also: A. P., v. 48, pp. 298-299;

***Moniteur*, 19 August, 1792, Rep., v. 13, pp. 444-445; B. and R., v. 17, pp. 94 96**

[lacks preamble]. , . - .

REFERENCE: **Decree of 19 August, 1792, concerning procedure before the court**

[Duvergier, v. 4, p. 339].

The Special Court of August, 1792, was the forerunner of the famous “Revolutionary Tribunal.” ⁴ Following the establishment of the court, the guillotine was erected in the Place du Carrousel to carry out its decisions.⁵ The document should be compared with the revolutionary reorganization of the judiciary as indicated in document 24.

*** * ***

The National Assembly, considering that, after having remedied the insufficiency of the previously existing jury by a new grand and petty jury for crimes committed on the day of 10 August current, and for other crimes relative thereto, everything depending on legal action [*circonstances et dependences*], it must likewise remedy the insufficiency of the criminal court and of the courts of the *arrondissement* of Paris, declares urgency.

The National Assembly, having declared urgency, decrees as follows:

1. Proceedings shall be taken for the formation of an electoral body to choose members of a criminal court for the purpose of judging the crimes committed on the day of 10 August current, and other crimes relative thereto, everything depending on legal action [*stances et dependences*].

2. Said court shall be composed of eight judges, eight assistant judges, two public prosecutors, four

court clerks, eight clerk's assistants [*commis-greffiers*], and two national commissioners appointed by the provisional executive power.

The court shall be divided into two sections, each composed of four judges, four assistant judges, one public prosecutor, two court clerks, four clerk's assistants, and one national commissioner.

The two judges first elected shall preside, each over a section.

The court clerks of each section shall present four clerk's assistants who, after having been approved by the judges of each section, shall take oath before the court.

3. The functions of judges, public prosecutors, and national commissioners, as well as those of foremen of juries, to whom reference will be made hereinafter, shall be the same as those of the judges of the criminal court, the foreman of the jury, the public prosecutor, and the King's Commissioner mentioned in the decree of 16-29 September, 1791, on juries.⁶⁶

The judges shall pronounce in the last resort, without there being possibility of an appeal to the Court of Cassation.

4. The electoral body shall be composed of one elector chosen by each section of Paris, by relative plurality of votes.

The eldest shall be president of the electoral body; the three next of age shall be tellers; and the president and the tellers shall select the secretary.

The communal prosecutor shall convoke the assemblies of the sections of Paris at once for choosing the electors.

⁶⁶ See Duvergier, v. 3, pp. 289-304.

Each section shall send its elector to the commune immediately, with a copy of the *proces-verbal* of his election. ’

Immediately after the meeting at the town hall of the thirty-six electors, whose credentials shall be verified by the communal prosecutor the electoral assembly shall constitute itself and shall begin the elections.

6. The electoral body shall choose seven foremen of juries.

Four foremen of juries shall form a court, which shall perform the duties assigned to ordinary courts in the cases in which foremen of juries are required to refer thereto.

The four foremen first elected shall constitute the said court.

The qualifications necessary in order to be chosen as judge, assistant judge, foreman of jury, public prosecutor, and national commissioner are: to be twenty-five years of age, and to have performed the duties of judge, lawyer, or solicitor at court for at least one year.

7. The elections of judges, assistant judges, and public prosecutors shall be by absolute majority of the votes of the electoral body.

Those of court clerks shall be by relative plurality.

8. Judges, assistant judges, foremen of juries, and public prosecutors shall take oath, in the presence of the representatives of the commune who are charged with selecting the place of their sessions and with installing them, to be faithful to the nation, to maintain liberty, equality, and the execution of the laws, or to die at their posts.

The national commissioners and the court clerks, after their installation, shall take the same oath before the judges.

9. The two sections of the criminal court shall be in continuous session, and the delay for convocation and meeting of juries may never exceed twenty-four hours.

10. The costume and pay of members of the court created by the present decree shall be the same as those of the members of the criminal court of Paris.

11. The present decree shall be solemnly proclaimed, within the day, by the representatives of the commune, in the public places of the city' of Paris, and shall be published and posted in each sectional assembly; the certificates of said proclamations, readings, and postings shall be sent, without delay, to the National Assembly by the commit

nnal prosecutors.



tees of the sections and by the com

67. Decree Conferring French Citizenship on Several Foreigners

26 August, 1792 .

SOURCE: **Duvergier, v. 4, pp. 366-367. See also: A. P., v. 49, p. 10; *Moniteur*, 28 August, 1792, Rep., v. 13, pp. 540-541.**

This document is typical of the idealistic, emotional manifestations which had characterized the activity of the revolutionaries on several previous occasions, and which were to increase in frequency as the Revolution progressed. Most of the names are so familiar that it is deemed unnecessary to include biographical sketches here. Wilberforce, embarrassed by the dubious compliment thus paid him, responded by joining (at Burke's suggestion) a committee in aid of French *emigre* clergy.⁶⁷

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The National Assembly, considering that men who, by their writings and their courage, have served the cause of liberty and prepared the emancipation of peoples cannot be regarded as foreigners by a nation which its enlightenment and courage have rendered free;

Considering that, if five years' domicile in France suffices to obtain for a foreigner the title of French citizen, such title is much more justly due those who, whatever land they inhabit, have consecrated their physical and intellectual efforts to defending the

cause of peoples against the despotism of kings, to banishing prejudices from the earth, and to extending the limits of human understanding;

Considering that, even if it is beyond hope that men some day may form before law, as before nature, a single family, a single association, the friends of liberty, of universal fraternity must be no less dear therefore to a nation which has proclaimed its renunciation of all conquests and its desire to fraternize with all peoples;

Considering, finally, that, at a time when a National Convention is about to determine the destinies of France, and perhaps to prepare those of the human race, it behooves a free and generous people to appeal to all enlightenment, and to confer the right of co-operating in this great act of reason upon men who, by their thoughts, their writings, and their courage, have shown themselves so eminently worthy thereof;

Declares that it confers the title of French citizen on Doctor Joseph

⁶⁷ See Coupland, Reginald, *Wilberforce, a Narrative* (Oxford, 1923), p. 158. This footnote stands as an interesting example of the manner in which the study of documents may impel students to further historical investigation. One of the editor's students, Miss Edith Miller, after hearing the reading of this document, applied what she had already learned in English History in finding Wilberforce's response.

Priestley, Thomas Paine, Jeremy Bentham, William Wilberforce

Thomas Clarkson, James Mackintosh, David Williams, [Count!]

Gorani, Anacharsis Cloots, Cornelius Pau, Joachim Heinrich Campe

[Johann Heinrich] Pestalozzi, George Washington, John [Alexander]'

Hamilton, [James] Madison, H. [Gottlieb Friedrich] Klopstock and Thaddeus Kosciuszko.

68. Report of the Commune on the September Massacres

3 September, 1792

SOURCE: Duvergier, v. 4, p. 414. See also: A. P., v. 49, pp. 230-231; B. and R v. 17, pp. 353-354.

Just as Danton's speeches may have served to connect him with the massacres, so this report may have convinced historians of the culpability of the Commune. Data on the names of people and places are given in the Index-Glossary.

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M. Truchon said that the majority of the prisons were actually empty; that about 400 prisoners had been killed; that at the Maison de la Force, where he had gone, he decided that he ought to free all persons

imprisoned for debt; that he had done likewise at Sainte-Pelagie; that, having recalled that he had forgotten the part of the Maison de la Force where women are confined, he returned there immediately and freed twenty-four; that he took specially under his protection, and that of his colleague, Mademoiselle de Tourzelle and Madame Saint-Brice, observing that the latter was pregnant; that they conducted these two ladies to the section of the Rights of Man until they might be judged.

M. Tallien added that he had first gone to the Abbaye; that the people had asked the warden for the registers; that of the prisoners detained for the affair of 10 August and for the counterfeiting of *assignats* only eleven were saved. The council of the Commune sent a deputation to resist the disorders; the communal prosecutor presented himself first, and used all the means which his zeal and humanity suggested to him. He could accomplish nothing, and he saw several victims fall at his feet. The people went to the Chatelet where prisoners were also confined. At about midnight they went to La Force. The commissioners of the Commune went there and were unable to dissuade the people. Several deputations followed, and an order was given to the commandant general to bring troops; but barrier service requires so many men that there were not enough left to assure order. The commissioners again did what they could to restrain excesses, but were unable in any way to check the just vengeance of the people; for we must say, added M. Tallieri, the blows fell upon counterfeiters of *assignats* and other prisoners detained for from four to five years. What incited its

vengeance most was that there were only acknowledged villains there.

M. Guiraut, the third commissioner, said, "They went to Bicetre with seven pieces of artillery. The people, in wreaking vengeance, rendered justice also. At the Chatelet several prisoners were released amidst cries of '*vive la nation*' and the clash of arms. The prisons of the Palais are absolutely empty, and very few prisoners have escaped death."

M. Tallien continued and said, "Here is an important fact. A man has just brought to the Commune five *louis* in gold and eighty-three *livres* in white silver, coined from the new die and found in the pocket of a Swiss. A general depository has been established for the divers effects found on the prisoners."

M. Guiraut added that the people visited the bodies on the Pont-Neuf and divested them of money and pocketbooks. One man taken stealing a handkerchief was killed. "I forgot," said M. Guiraut, "a fact important to the honor of the people. The people had organized in the prisons a court composed of twelve persons. According to the registers of jail entries and to divers questions asked the prisoners, the judges placed their hands on the heads of the prisoners and said, 'Do you think in your conscience that we can release Monsieur?' . . .^{C8} This word *release* was his condemnation. When he said yes, the accused person was apparently released, but was immediately precipitated upon pikes. If he was judged innocent, cries of *vive la nation* were heard, and the prisoner was placed at liberty." [6](#)

VII. THE CONSEQUENCES OF THE DISORDERS

OF AUGUST AND SEPTEMBER, 1792;

THE FRENCH MILITARY REVIVAL

The disorders of August and September, 1792, discredited the Girondin government, at least in Paris; and, as the day for convoking the Convention approached, the radicals were stimulated to further efforts (69). Not the least significant of the consequences of the disorders was a renewal of activity against the clergy, both constitutional and non-juring. And on 20 September, the registration of vital statistics was transferred to the civil authorities (70), while a parallel decree regulated divorce (71).

Meanwhile, Verdun fell. Paris was saved only by the age and conservatism of the Duke of Brunswick who, instead of following up his victory, proceeded slowly and avoided pitched battles. Moreover, Brunswick failed to take into consideration two important factors, the weather and Dumouriez. Heavy rains made the roads impassable, and Dumouriez infused the recruits with zeal and rapidly trained them for their task. On 20 September, Brunswick finally engaged the French at Valmy. Not only did the French stand fast, but their artillery proved to be superior to that of the enemy. In the end the fighting was terminated by rain rather than by force of arms; yet victory had been won. Brunswick's forces retreated, and, for the moment, France was spared an attack on Paris. Above all, the French armies had become aware of their strength. It was under the

favorable circumstances of this military revival that the Convention was to hold its first session.

Before proceeding to the closing days of the Legislative Assembly (during which the elections of the Convention were held) attention must be given to two aspects of the work of the Assembly, which, owing to their complexity, may perhaps be treated most satisfactorily if presented separately and at this point. These two aspects are the economic developments and the social and cultural trends of the period.

69. The Jacobin Club Address

12 September, 1792

SOURCE: Aulard, F. V. A., ed., *La SociM des Jacobins: Recueil de documents*

pour l'hisloire du Club des Jacobins de Paris, 6 v. (Paris, 1889-1897), v. 4, pp. 280-281. [Used here by permission of J. Vrin, Paris.]

This address from the Jacobin Club of Paris to its affiliates in the provinces indicates the propagandist nature of Jacobin pronouncements, and shows the attitude of the radicals toward a form of government for France. It was influential in preparing the way for the establishment of a republic.

The Mother Society has been obliged to interrupt its correspondence since the 10th of August; this is not because it has considered that famous day the end of all plots and intrigues; a large proportion of its members have received from the public confidence

positions in the provisional administrations, juries, etc. But the Society, having become somewhat more numerous, has manifested its desire to resume an active correspondence with its brothers in the departments, persuaded that circumstances require, more than ever, fraternal communication among all the patriotic societies.

Since the 10th of August conspirators have expiated their crimes; public spirit has risen again; the sovereign, having recovered possession of its rights, triumphs at length over the scoundrels leagued against its liberty and its welfare. Nevertheless, the people of Paris have felt the necessity of preserving an imposing attitude and of exercising a strict surveillance over the connecting links and agents of the conspiracy of the traitor, Louis the last. Be apprehensive, brothers and friends, lest fresh intrigues succeed the frustrated ones. The head, the cause, and the pretext of the machinations still breathes! Despotism moves in the shadows; let us stand fast to engage it in mortal combat, whatever form it assumes.

The major interests of the people are about to be discussed in the National Convention; let us not lose a moment in determining, and making it hear, the national will, which alone must direct its actions. Especially, let us forestall by firm measures the danger of seeing these new legislators oppose with impunity their personal interests or wishes to the sovereign will of the nation. Henceforth let nothing be inviolable except the law; let all public functionaries always see the penalty alongside the offence; recollect how few legislators have resisted

corruption; only a very few of them may be counted in each legislature.

Let us then imbue our minds with the spirit of the decrees of the electoral body of Paris; that alone can save us from all kinds of despotism and the dangers of commotions too long protracted, etc.

These decrees declare in substance:

Purging of the National Convention, in order to reject from its midst suspected members who, in the elections, have escaped the sagacity of the primary assemblies;

Revocability of deputies to the National Convention who have attacked or who might attack the rights of the sovereign in any way;

Sanction, or popular revision, of all constitutional decrees of the National Convention;

Total abolition of monarchy, and the penalty of death against those who propose its re-establishment;

A republican form of government;

These, friends and brothers, are the important matters which the electors, the Commune, and the primary assemblies of Paris invite you to discuss profoundly, in order to fortify and encompass the National Convention with your opinion thereon.

70. Decree Determining the Recording of Vital Statistics

20 September, 1792

SOURCE: Duvergier, v. 4, pp. 482-488 [lacks brief formal preamble]. See also: A. P., v. 50, pp. 179-184.

The assumption by the State of responsibility for the recording of vital statistics reduced the prerogatives of the clergy, and diminished the validity of any claim they might make for state maintenance. It was a logical continuation of the process of state appropriation of church functions which had begun with the National Constituent Assembly. Its realization was inevitable and the events of August and September, 1792, rendered it immediately desirable and possible. It was one of the first enactments of its type in modern European history, and as such it is an important milestone in the extension of the powers of the national state.



TITLE I

PUBLIC OFFICIALS IN CHARGE OF REGISTERS OF BIRTHS, DEATHS, AND MARRIAGES

1. Henceforth the municipalities shall receive and maintain registers for recording births, deaths, and marriages.

2. The general councils of the communes shall choose, on the basis of area and population, one or more persons, from among their members, who shall be responsible for such duties.

3. The selections shall be made by ballot and absolute majority of votes; they shall be published and posted.

4. In case of legitimate absence or hindrance of the public official responsible for receiving the declarations of births, deaths, and marriages, he shall be replaced by the mayor, or municipal official, or by another member of the general council, in the order stated.

TITLE II

THE HOLDING IN TRUST OF REGISTERS

1. In each municipality there shall be three registers, one for recording births, one for deaths, and one for marriages.

2. The three registers shall be duplicated on stamped paper, furnished at the expense of each district, and dispatched to the municipalities by the directories during the first two weeks of the month of December of each year; . . .

3. Records of births, deaths, and marriages shall be inscribed on the duplicate registers consecutively, without any blanks. References and erasures shall be approved and signed in the same manner as the body of the record; nothing shall be written thereon in abbreviation, or any date given in figures.

4. Every contravention of the provisions of the preceding article shall be punished by a fine of ten *livres* for the first offence, of twenty *livres* in case of a second offence, and even by the penalties provided by the Penal Code in case of alteration or forgery.⁷

5. Under no circumstances may the records be inscribed or signed on loose leaves, under penalty of

a fine of 100 *livres*, of dismissal, and of deprivation of the title to and rights of active citizenship for ten years.

6. The records contained in the said registers, and in the certificates issued therefrom, shall constitute evidence and proof, before law, of births, deaths, and marriages.

7. The records inscribed on the registers shall not be subject to a registration fee.

8. At the end of each register an alphabetical table of the records contained therein shall be made during the first two weeks of the month of January of each and every year.

9. During the following month, the municipalities shall be required to send one of the duplicate registers to the directory of their district.

10. The district directories shall verify whether the records have been drawn up and the registers kept in the prescribed forms.

11. During the first two weeks of the month of March, the *pro-cureurs-syndics* shall be required to send said registers to the departmental directories, with the remarks of the district directories.

12. Said registers shall be deposited and preserved in the archives of the departmental directories.

13. The other duplicate registers shall be deposited and preserved in the archives of the municipalities.

14. The departmental *procureurs-generaux-syndics* shall be responsible for denunciations and prosecutions in case of contravention of the present decree.

15. Every ten years the annual tables made at the end of each register shall be recast into a single one; in order to establish a fixed and uniform date, however, the first of such general tables shall be made in 1800.

16. Such decennial table shall be inscribed on a separate register, kept in duplicate, stamped, numbered, and initialed.

17. One of the copies of such registers shall be sent, during the first two weeks of the month of May of the eleventh year, to the district directories, and shall be transmitted during the following month by the *procureur-syndic* to the departmental directory, to be placed in the same depository.

18. All persons are authorized to obtain birth, death, and marriage certificates, either from the registers preserved in the municipal archives or from those deposited in the departmental archives. The certificates must be on stamped paper; they shall not be subject to a registration fee.

19. Six *sous* shall be paid for each certificate of birth, death, and publication of marriage, and twelve *sous* for each marriage certificate, not including the stamp.

21. The current registers shall be kept by whomsoever is responsible for receiving the declarations. He shall be responsible therefor.

22. In cities the extent and population of which require more than one public official responsible for recording births, deaths, and marriages, each official shall be furnished with three duplicate registers; they shall be required to comply with the rules above prescribed.

TITLE III

BIRTHS

1. Births shall be recorded within twenty-four hours of the declaration made by the persons hereinafter designated, in the presence of two witnesses, of either sex, relatives or nonrelatives, aged twenty-one

y 2. In whatever place the married woman is confined, if her husband is present and able to do so, he shall be required to make the declaration.

3. If the husband is absent or unable to make the declaration, or if the mother is unmarried, the surgeon or the midwife attending the confinement, shall be obliged to declare the birth.

4. When a woman is confined either in a public house or in the house of another, the head of such house, or whoever is in charge thereof, shall be required to declare the birth.

5. In case of contravention of the preceding articles, the penalty against persons charged with making such declaration shall be two months' imprisonment; the offence shall be prosecuted by the communal prosecutor before the court of correctional police, except for criminal prosecutions

in case of concealment of birth, abduction, or failure to present the child.

6. The child shall be brought to the town hall or other public place used for sessions of the commune; it shall be presented to the public official. In case of imminent danger the public official shall be required, on requisition made to him therefor, to repair to the house where the child is.

7. The declaration shall state the day, hour, and place of birth, designation of the sex of the child, the given name, the first and family names of the father and mother, their occupation and domicile, and the first and family names, occupation, and domicile of the witnesses.

8. A record of such declaration shall be inscribed consecutively on the duplicate register intended therefor; such record shall be signed by the father or other persons making the declaration, by the witnesses, and by the public official; if any of those making the declaration, or witnesses thereto, cannot or does not know how to sign his name, mention shall be made thereof.

9. In the case of exposure of a child, the justice of the peace or the police official informed thereof shall be required to repair to the place of exposure, and to draw up a report of the condition of the child, its apparent age, external markings, clothing, and other evidence which may throw light on its birth; he shall also receive declarations from those who have any knowledge relative to the exposure of the child.

10. The justice of the peace or the police official shall be required to remit to the public official, within twenty-four hours, a copy of said report, which shall be transcribed upon the duplicate register of birth records.

11. The public official shall give the child a name, and it shall be provided with nourishment and maintenance, according to the laws passed for such purpose.

13. If, prior to the publication of the present law, some persons have neglected to have the births of their children registered in the customary manner, they shall be required, within the week following said publication, to make declaration thereof, in conformity with the above provisions.

TITLE IV

MARRIAGES

Section 1. Qualifications and Conditions Required for the

Contracting of Marriage

1. The age required for marriage is fully fifteen years for men and fully thirteen years for women.

2. Every person shall attain majority at the age of fully twenty-one years.⁸

3. Minors may not be married without the consent of their father or mother, or relatives, or neighbors, as hereinafter stated.

- 4. The consent of the father shall suffice.**
- 5. If the father is dead or under indictment, the consent of the mother shall likewise suffice.**
- 6. In the event that the mother is deceased, or under indictment, the consent of the five nearest paternal or maternal relatives shall be necessary.**
- 7. When the minors have no relatives at all, or do not have five of them in the district, neighbors from the town where the minors are domiciled shall be substituted therefor.**
- 8. The relatives and neighbors assembled in the town hall of the place of domicile of the minor shall deliberate upon the matter, before the mayor or other municipal official, in order of rank, in the presence of the communal prosecutor.**
- 9. Consent shall be given or refused according to majority vote.**
- 10. No person bound by the ties of marriage may contract a second marriage until the first one is dissolved in conformity with the laws.**
- 11. Marriage is prohibited between natural and legitimate relatives in direct line, between relatives by marriage in direct line, and between brother and sister.**
- 12. Those who are unable to obtain consent may not marry.**
- 13. Marriages contracted contrary to the provisions of the preceding articles shall be null and**

void.

Section 2. Publication

1. Persons of age who wish to marry shall be required to have their reciprocal promises published in the place of actual domicile of each of the parties. The promises of minors shall be published in that of their parents; and if the latter are dead or under indictment, in that where the family assembly required for the marriage of minors is held.

2. Domicile relative to marriage is determined by dwelling for six months in the same place.

3. Marriage shall be preceded by a publication made on Sunday at noon, before the outer and main door of the town hall, by the public official; marriage may not be contracted until a week after such publication.

4. A record of said publication shall be inscribed on a special register intended therefor; such register shall not be kept in duplicate, and shall be deposited, when complete, in the archives of the municipality. •

5. The record of publication shall contain the first and family names, occupation, and domicile of the future husband and wife, those of their parents, and the day and hour of the publication; it shall be signed by the public official.

6. A certificate of the instrument of publication shall be posted on the door of the town hall on a board intended for such purpose.

7. In cities of more than 10,000 inhabitants, a similar board shall be placed on the main door of the headquarters of the sections which are to be inhabited by the future husband and wife.

Section 3. Oppositions

1. Only the persons whose consent is required for the marriages of minors may oppose them.

2. Persons already bound by marriage to one of the parties are likewise eligible to offer opposition to marriages of either majors or minors.

3. In the case of insanity of adults, when no interdiction has yet been pronounced the opposition of two relatives shall be admitted.

4. The instrument of opposition shall contain the motives therefor and shall be signed, in the original and in duplicate, by the opposing party or by his special legal representative. A copy of the powers of attorney shall be given at the head of the instrument of opposition.

5. The instrument of opposition shall be served at the domicile of the parties by the public official, who shall place his endorsement on the original.

6. The public official shall make summary mention of the oppositions on the registers of publications.

7. The validity of the opposition shall be judged in the first instance by the justice of the peace of the domicile of the one against whom the opposition has been entered; decision shall be given within three days. Appeal shall be brought before the

district court without requiring the parties to present themselves at the bureau of conciliation; the court shall rule summarily and within a week. Time limits, either before the justice of the peace or before the court of appeal, may not be extended.

8. A copy of judgments of replevin shall be remitted to the public official, who shall mention same in the margin of judgments of oppositions on the register of publications.

9. Any oppositions entered outside the cases and forms, or by any persons, other than those above designated, shall be considered null and void, and the public official may proceed with the marriage certificate; but within the cases and forms above specified he may not proceed counter to the oppositions, under penalty of dismissal, a fine of 300 *livres*, and all damages.

Section 4. Intrinsic Forms of the Marriage

Certificate

1. The marriage license shall be received in the town hall of the place of domicile of one of the parties.

2. The day when the parties wish to contract their marriage shall be designated by them, and the hour shall be indicated by the public official responsible for receiving the declaration thereof.

3. The parties shall repair to the public room of the town hall, with four witnesses of age, related or unrelated, who can sign their names, if it is possible

easily to find any in the town who can sign their names.

4. The public official shall read, in their presence, the documents relative to the status of the parties and the formalities of the marriage, such as the birth certificates, the consent of fathers and mothers, the opinion of the family, the publications, oppositions, and judgments of replevin.

5. After such reading, the marriage shall be contracted by a declaration made by each of the parties in the following terms:

“I declare that I take (the name) in marriage.”

6. Immediately after such declaration is made by the parties, the public official, in their presence and in that of the same witnesses, shall pronounce in the name of the law that they are united in marriage.

7. The marriage certificate shall be drawn up thereafter by the public official; it shall contain: 1st, the first and family names, age, place of birth, occupation, and domicile of husband and wife; 2nd, the first and family names, age, occupation, and domicile of the parents; 3rd, the first and family names, age, occupation, and domicile of the witnesses, and their declaration as to whether they are relatives of the parties or related to them by marriage; 4th, mention of publications in the several domiciles, of oppositions entered, and of judgments of replevin; 5th, mention of the consent of the parents or the family, in cases where that is necessary; 6th, mention of the declarations of the parties and the pronouncement of the public official.

8. Said certificate shall be signed by the parties, by their parents and relatives present, by the four witnesses, and by the public official; in case any one of them does not know how or is unable to sign his name, mention shall be made thereof.

9. If, prior to the publication of the present law, some persons were married before civil officials, they shall be required to come within a week to declare their marriage before the public official of the municipality • of their domicile, who shall inscribe a record thereof

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on the registers in the forms above prescribed.

Section 5. Divorce in Its Relation to the Duties of the Public Official Responsible for Recording the Civil Status of Citizens."

1. In the terms of the Constitution marriage is dissoluble by divorce.[9](#)[10](#)

2. The dissolution of marriage by divorce shall be pronounced, in the following form, by the public official responsible for recording births, deaths, and marriages.

3. When the husband and wife request divorce conjointly, they shall present themselves, accompanied by four witnesses, of age, before the public official in the town hall on the day and at the hour he has indicated; they shall prove that they have observed the time limits required by the law on the method of divorce; they shall present the certificate of nonconciliation delivered to them by

their assembled relatives; and on their request, the public official shall pronounce their marriage dissolved.

4. A record of such proceeding shall be inscribed on the register of marriages; said record shall be signed by the parties, the witnesses, and the public official, or mention shall be made of those who do not know how or are unable to sign their names.

5. If the divorce is requested by only one of the married parties, he (or she) shall be required to serve the other party with a notice for the purpose of seeing it pronounced; said notice shall contain a summons to repair to the town hall of the municipality in the jurisdiction of which the husband has his domicile, and before the public official in charge of records of births, deaths, and marriages, within the time limit determined by said official. Such time limit may not be less than three days, and, in addition, one day for every ten leagues, in case of absence of the party summoned.

6. At the expiration of the time limit, the plaintiff, accompanied by four witnesses, of age, shall present himself (or herself) before the public official; he (or she) shall present the several documents or judgments to prove that he (or she) has observed the formalities and time limits required by the law on the method of divorce, and that he (or she) has grounds for requesting it. He (or she) shall present also the notice of requisition with which he (or she) is to have had the other party served, according to the preceding article; and on his (or her) requisition the public official, in the presence or

absence of the party duly summoned, shall pronounce the marriage dissolved.

7. A record of such proceeding shall be inscribed on the register of marriages, in the form regulated by article 4 above.

8. If disputes arise on the part of the party from whom divorce is requested, concerning any of the documents or judgments presented by the plaintiff, the public official may not take cognizance thereof; he shall refer the parties to appeal.

9. The public official who has pronounced the divorce and has had a record thereof inscribed on the register of marriages without proof of the time limits, documents, and judgments required by the law on divorce, shall be removed from his position, and sentenced to a fine of 100 *livres* and damages.

TITLE V DEATHS

1. Declaration of death shall be made to the public official by the two nearest relatives or neighbors of the deceased person, within twenty-four hours.

2. The public official shall repair to the place where the person has died, and after assuring himself of the death, he shall inscribe a record thereof on the duplicate registers. Such record shall contain the first and family names, age, occupation, and domicile of the deceased", if he (or she) is married or a widower (or widow), the first and family names of the husband or wife, the first and family names, age, occupation, and domicile of the informants, and, in the event that they are relatives, their degree of relationship.

5. In addition, the said same record shall contain, in so far as they can be ascertained, the first and family names, age, occupation, and domicile of the parents of the deceased, and the place of his (or her) birth.

4. Said record shall be signed by the informants and by the public official; mention shall be made of those who did not know how or were unable to sign their names.

5. In case of death in hospitals, public houses, or the houses of others, the superiors, directors, administrators, or masters of such houses shall be required to give notice thereof, within twenty-four hours, to the public official, who shall inscribe the death record according to the declarations made to him and the information he has been able to obtain concerning the first and family names, age, place of birth, occupation, and domicile of the deceased.

6. If, in the case of the preceding article, the public official has been able to discover the domicile of the deceased person, he shall be required to send a certificate of the death record to the public official of the place of said domicile, who shall transcribe it on his registers.

7. The bodies of those found dead, with signs or indications of violent death or other circumstances which give rise to suspicion, may not be interred until after the police officer has drawn up a report in terms of Title III, article 2 of the law on the police of security.⁷³

⁷³ 16 September, 1791 [Duvergier, v. 3, pp. 289-304; see p. 290].

8. The police officer, after having drawn up the report on the condition of the corpse, and on the circumstances relative thereto, shall be required to give notice thereof immediately to the public official, and to remit to him a certificate thereof, containing information relative to the first and family names, age, place of birth, occupation, and domicile of the deceased.

9. The public official shall draw up the death record according to the information given him by the police officer.

TITLE VI

GENERAL PROVISIONS

1. Within a week, dating from the publication of the present decree, the mayor or a municipal official, in order of rank, shall be required, on the requisition of the communal prosecutor, to go with the clerk to the parish churches, presbyteries, and the depositories of registers of all faiths; there they shall draw up an inventory of all registers at present in the hands of the *cures* and other depositaries. The current registers shall be closed and concluded by the mayor or municipal official.

2. All registers, both old and new, shall be brought to and deposited in the town hall.

3. Records of births, deaths, and marriages shall continue to be inscribed on the current registers until 1 January, 1793.

4. Within two months, dating from the publication of the present decree, an inventory shall be drawn up of all registers of baptisms, marriages, and burials at present in the registries of the courts. Within the following month, the registers and a copy of the inventory . . . shall ... be brought to and deposited in the departmental archives.

5. As soon as the current registers have been closed, concluded, and brought to the town hall, the municipalities alone shall receive declarations of births, death, and marriages, and shall maintain the registers. All persons are forbidden to interfere with the keeping of such registers and the reception of such declarations.

6. The administrative bodies are specially charged by law with supervising the municipalities in the performance of the new duties assigned to them.

7. All laws contrary to the provisions of the present one are and

shall remain abrogated.

8. The National Assembly, having determined the

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ethod of estab-

lishing henceforth the civil status of citizens, declares that it does not intend to make innovations or be prejudicial to the liberty which they all possess of consecrating births, deaths, and marriages by the

rites of the faith to which they adhere, and by the mediation of the ministers of such faith.

[Model certificates were appended to the decree.]

71. Decree Regulating Divorce

20 September, 1792

SOURCE: **Duvergier, v. 4, pp. 476-482. See also: A. P., v. 50, pp. 188-191 [with different preamble].**

REFERENCE: **Thibault-Laurent, Gerard, *La premiere introduction du divorce en***

France sous la Revolution et l'Empire (1792-1816)
(Clermont-Ferrand, 1938).

Legislation on divorce was not only a by-product and accompaniment of the legislation on vital statistics; it was a logical manifestation of the secularizing influence of the Revolution. If the State could make marriages, it could also break them.⁷⁴ The arguments on behalf of the enactment are well summarized in the preamble. One of the most striking features of the document is the fact that it is so far in advance of much divorce legislation of the twentieth century. The provisions with regard to property rights and children merit special attention. Subsequently the provisions of this decree were frequently modified, and in 1816 divorce was abolished in France, not to reappear until 1884.

*** * ***

The National Assembly, considering the importance of enabling Frenchmen to enjoy the privilege of

divorce, a consequence of individual liberty, which would be doomed by indissoluble engagements; considering that already a number of married couples have not waited, in order to enjoy the advantages of the constitutional provision according to which marriage is only a civil contract,⁷⁵ until the law had regulated the manner and consequences of divorce, decrees as follows.

I

GROUNDS FOR DIVORCE

- 1. Marriage may be dissolved by divorce.**
- 2. Divorce shall take place by mutual consent of husband and wife.**

⁷⁴ **See Title IV, sec. 5 of the preceding document.**

⁷⁵ **See document 43, *supra*, Title II, art. 7.**

- 3. One of the parties may have divorce pronounced on the mere allegation of incompatibility of disposition or character.**

- 4. Each of the parties likewise may have divorce pronounced on certain determined grounds, to wit: 1st, the insanity, madness, or violence of one of the parties; 2nd, the sentence of one of them to corporal or ignominious punishments; 3rd, crimes, cruelty, or serious injuries on the part of one against the other; 4th, notoriously dissolute morals; 5th, the desertion of the wife by the husband or of the husband by the wife for at least two years; 6th, the absence of one of them, without news, for at least five years; 7th,**

emigration, in the cases anticipated by law, particularly by the decree of 8 April, 1792.⁷⁶

5. Married people now separated by a judgment executed, or in the last resort, shall have mutual right to have divorce pronounced.

6. All requests and suits for separation not granted are dismissed and abolished; each of the parties shall pay his (or her) expenses. Judgments of separation not executed, or impugned by appeal or through cassation, remain as void, reserving to parties the right to have recourse to means of divorce according to the terms of the present law.

7. Henceforth, no separation may be pronounced; married parties may be disunited only by divorce.

II

DIVORCE PROCEDURES *Divorce by Mutual Consent*

1. The husband and wife who conjointly request divorce shall be required to convoke an assembly of at least six of the nearest relatives, or friends in default of relatives; three of the relatives or friends shall be chosen by the husband, the other three by the wife.

1

See document 17, *supra*, art. 1.

2

See decree of 9 August, 1792, relative to the maintenance of the security of the State fDuvergier,

v. 4, p. 290].

[3](#)

Standard works on this event are: Caron, Pierre, (Paris, 1935); Walter, Gerard, *Les massacres de septembre*; . . . (Paris,

[4](#)

See document 83, *infra*.

[5](#)

See document 72, *infra*.

[6](#)

This “omission” appears in the text.

[7](#)

25 September-6 October, 1791 [Duvergier. v. 3, pp. 352-366].

[8](#)

An interpretative decree of 31 January, 1793 [Duvergier, v. 5, p. 131] stated, among other things, that this provision with regard to majority age did not atfect previous laws establishing the age of eligibility to public office.

[9](#)

See document 71,

See document 48, *supra*, Title II, art. 7.

2. The assembly shall be convoked on an appointed day and at the place agreed upon with the relatives or friends; there shall be at least one month's interval between the day of the convocation and that of the assembly. A clerk shall serve the instrument of convocation upon the relatives or friends who are summoned.

3. If, on the day of convocation, one or more of the relatives or friends who are summoned cannot attend the assembly, the married parties shall have them replaced by other relatives or friends.

⁷⁰ i.e., 30 March-8 April, 1792, concerning the property of *Emigres* [Duvergier, v. 4, pp. 93-95].

4. The two married parties shall present themselves in person at the assembly; there they shall state that they are seeking a divorce. The relatives or friends assembled shall make such observations and representations as they deem suitable. If the married parties persist in their intention, a municipal official, summoned for such purpose, shall draw up an instrument stating merely that the relatives or friends have heard the married parties in a duly convoked assembly, and that they have been unable to reconcile them. The draft of such instrument, signed by the members of the assembly, the two married parties, and the municipal official, with mention of those who did not know how or were unable to sign, shall be deposited with the clerk of the municipality; a copy thereof shall be delivered to the married parties gratis and without registration fee.

5. One month at the least and six months at the most after the date of the instrument designated in the preceding article, the married parties may present themselves before the public official who is responsible for recording marriages in the municipality where the husband is domiciled; and, at their request, the said public official shall be required to pronounce their divorce, without taking cognizance of grounds. The parties and the public official shall comply with the forms prescribed on this matter in the law concerning records of births, deaths, and marriages.⁷⁷

6. After the interval of six months mentioned in the preceding article, the married parties may be admitted to divorce by mutual consent merely by observing again the same formalities and the same intervals of time.

7. In case of the minority of the married parties, or of one of them, or if they have children born of their marriage, the intervals above indicated, of one month for the convocation of the family assembly, and of at least one month after the instrument of nonconciliation in order to obtain divorce, shall be doubled; but the irrevocable interval of six months after the instrument of nonconciliation in order to obtain divorce shall remain the same.

Divorce on the Request of One of the Parties Solely on Grounds

of Incompatibility

8. In the event that divorce is requested by one of the parties from the other on grounds of incompatibility of disposition or character, without other indication of motives, he (or she) shall summon a

⁷⁷ Document 70, *supra*, Title *IV, sec. 5. primary assembly of relatives, or of friends in default of relatives, which may meet only one month after the convocation.

9. The convocation shall take place before one of the municipal officials of the domicile of the husband, in the town hall of the place, on the day and at the hour indicated by such official. The defendant shall be served with the instrument thereof, with declaration of the names and abodes of the relatives or friends to the number of at least three whom the plaintiff intends to have at the assembly, and an invitation to the defendant to appear at the assembly, and to have there likewise on his (or her) part at least three relatives.

10. The plaintiff in divorce shall be required to present himself (or herself) in person before the assembly; he (or she), as well as the defendant if she (or he) appears, shall hear the representations of the relatives or friends for the purpose of reconciling them. If reconciliation does not take place, the assembly shall be adjourned for two months, and the married parties shall remain summoned thereto. The municipal official shall be required to withdraw during such explanations and family discussions; in case of nonconciliation, he shall be recalled to the assembly to draw up an instrument thereof, as well as of the adjournment, in

the form prescribed by article 4 above. A copy of said document shall be delivered to the plaintiff, who shall be required to have the defendant served therewith if the latter has not appeared at the assembly.

11. At the expiration of two months, the plaintiff shall be required to appear again in person. If the representations made to him (or her), as well as to his wife (or husband) if present, still cannot reconcile them, the assembly shall be adjourned for three months, and the married parties shall remain summoned thereto; an instrument shall be drawn up thereon and served, if need be, as in the case of the preceding article.

12. If, at the third session of the assembly, at which the plaintiff is likewise required to appear in person, he (or she) cannot be conciliated and persists definitively in his (or her) request, an instrument shall be drawn up thereon; a copy thereof shall be delivered to him (or her), with which he (or she) shall have the defendant served.

13. If, at the first, second, or third assemblies, the relatives or friends designated by the plaintiff in divorce cannot attend, he (or she) may have them replaced by others of his (or her) choice. The defendant may also have replaced, at his (or her) choice, the relatives or friends whom he (or she) has had in attendance at the first assembly; and finally, the municipal official himself, who is charged with drafting the documents of said assemblies, may, in case of absence

[empêchement], be replaced by one of his colleagues.

14. Within one week at the least and six months at the most after the date of the last act of nonconciliation, the plaintiff may present himself (or herself) to have the divorce pronounced before the public official who is responsible for recording births, deaths, and marriages. After the six months, he (or she) may be admitted thereto only by observing again the same formalities and the same intervals of time.

Divorce on the Request of One of the Parties on Determined Grounds

15. In the case of divorce requested by one of the parties for one of the seven determined grounds indicated in article 4 of section 1 above, or on grounds of separation in terms of article 5, there shall be no occasion for any delay for proof.

16. If the determined grounds are established by judgments, as in cases of separation or sentence to corporal or ignominious punishments, the plaintiff in divorce may petition directly to have it pronounced before the public official who is responsible for recording marriages in the municipality of the domicile of the husband. The public official may not take cognizance of grounds. If any disputes arise before him concerning the nature or validity of the judgments presented, he shall refer the parties to the district court, which shall rule in the last resort and shall decide whether such judgments suffice to authorize the divorce.

17. In the case of divorce for absence for five years without news, the plaintiff may likewise petition directly before the public official of his (or her) domicile, who shall pronounce the divorce upon presentation to him of a certificate of notoriety verifying such long absence.

18. With regard to divorce based on the other determined grounds indicated in article 4 of section 1 above, the plaintiff shall be required to petition before the family arbiters, in the form prescribed in the code of judicial procedure for disputes between husband and wife.⁷⁸

19. If, after verification of the facts, the arbiters consider the request founded, they shall refer the plaintiff in divorce to the official of the husband's domicile to have the divorce pronounced.

20. Appeal from arbitral decision shall suspend the execution thereof; such appeal shall be considered summarily and judged within a month.

⁷⁸ See note on Section VI of Chapter Two, *supra*.

III

EFFECTS OF DIVORCE WITH REGARD TO MARRIED PARTIES

1. As a consequence of divorce with regard to the persons of married parties, the husband and wife regain their complete independence, and have the privilege of contracting a new marriage.

2. Divorced parties may remarry each other. They may not contract a new marriage with others until a year after the divorce, when it has been pronounced by mutual consent or on mere grounds of incompatibility of disposition or character.

3. In the event that divorce has been granted on determined grounds, the wife likewise may not contract a new marriage with anyone other than her first husband until a year after the divorce, unless it be founded on the absence of the husband for five years without news.

4. In whatever manner the divorce has taken place, the divorced parties shall be regulated, with regard to the joint estate or common property existing between them, either by law or by convention, as if one of them were deceased.

5. Exception shall be made to the preceding article in the event that the divorce has been obtained by the husband from the wife for one of the determined grounds stated in article 4 of section 1 above, other than insanity, madness, or violence; in such case, the wife shall be deprived of all rights and benefits in the joint estate or common property, but she shall recover the property which has come from her family.

6. Matrimonial rights entailing right of survivorship, such as dowry, increase in dowry or arrangement [*agencement*], widow's right, and right to part of the real or personal property of the predeceased, shall, in all cases of divorce, be cancelled and without effect. The same shall apply with regard to gifts or benefits which the parties

have given each other reciprocally or one to the other, or those which have been given to one of them by the parents or other relatives of the other as wedding gifts. The mutual gifts presented since the marriage and before the divorce also shall remain as null and void, all with the exception of the indemnities or pensions stated in the following articles.

7. In the case of divorce for one of the determined grounds stated in article 4 of section 1 above, the one who has obtained the divorce shall be compensated for the loss of the effects of the dissolved marriage and of his (or her) rights of survivorship, gifts, and benefits, by a life annuity on the property of the other party, which shall be regulated by family arbiters and shall date from the day of the granting of the divorce.

8. In all cases of divorce, an alimony for the divorced husband or wife who may need it shall likewise be allotted by family arbiters, nevertheless, only to the extent that the property of the other party can support it, a deduction being made for his (or her) own needs.

9. Pensions of indemnity or alimony referred to in the preceding articles shall be cancelled if the divorced husband or wife enjoying them contracts a new marriage.

10. In the case of divorce on grounds of separation, the rights and interests of the divorced parties shall remain regulated as they were by the judgments of separation, and according to the laws

existing at the time of said judgments, or by acts and transactions negotiated between the parties.

11. Every declaration of divorce shall be subject to the same registration and publication formalities as were judgments of separation; and with regard to creditors of the married parties, divorce shall have the same effect as separations and separate maintenance.

IV

EFFECTS OF DIVORCE WITH REGARD TO CHILDREN

1. In the case of divorce by mutual consent, or at the request of one of the married parties on mere grounds of incompatibility of disposition or character, with no other indication of motives, children born of the dissolved marriage shall be entrusted, to wit: girls to the mother; boys less than seven years of age likewise to the mother; above that age, they shall be handed over and entrusted to the father; the parents may, however, make any other arrangement thereon that seems proper to them.

2. In all cases of divorce on determined grounds, decision as to which of the parties shall have custody of the children shall be made in the family assembly.

3. In the case of divorce on grounds of separation, the children shall remain with those to whom they have been entrusted by judgment or transaction, or who have had them in their keeping and trust for

more than one year. If there has been neither judgment nor transaction, nor a year's possession, determination of which of the separated parents is to have custody of the children shall be made in family assembly.

4. If the divorced husband or wife contracts a new marriage, the family assembly likewise shall determine whether the children entrusted to them shall be recalled, and to whom they shall be given.

5. Whether the children, boys or girls, are entrusted to the father alone or to the mother alone, or to both, or to third persons, the parents shall be obliged, nevertheless, to contribute to the expense of their education and maintenance; they shall contribute thereto in proportion to the real and commercial means and incomes of each of them.

6. In no case shall dissolution of marriage by divorce deprive the children born of such marriage of the advantages assured them by law or by matrimonial agreements; they shall enjoy the right thereto as if their parents had not been divorced.

7. The children shall retain their right of inheritance from their divorced parents. If, in addition, there are other children of subsequent marriages, all the children shall inherit alike and in equal portions.

8. Divorced parties who have children may not, in remarrying, derive greater benefits because of marriage than can, according to law, widowers and widows with children who remarry.

9. Disputes relative to the right of the husband and wife to have one or more of their children in their keeping and trust, those relative to the education, rights, and interests of said children, shall be brought before the family arbiters, and the decisions rendered thereon shall, in case of appeal, be executed provisionally.

VIII. ECONOMIC, SOCIAL, AND CULTURAL

TRENDS UNDER THE LEGISLATIVE ASSEMBLY

Economic ⁷⁹

In the realm of finance, the Legislative Assembly continued the regime of *assignats*. To previous issues it added some 900,000,000. Increased issues and forced monetization had reduced the effectiveness of the *assignats*, they had

⁷⁹ For economic trends in general, see: Clough, S. B., *France, a History of National Economics, 1789-1939* (New York, 1939), and Bogart, E. L., *History of*

Europe, 1760-1939 (London and New York, 1942). fallen off as much as forty per cent, and the entire financial situation was becoming still more involved by problems of metallic money and counterfeiting of paper. Obviously, the finances had not improved; and the end was still far off.¹

In taxation, as in finances, the Legislative Assembly followed the policies established by its predecessor. These policies were to encounter difficulty owing to the necessity of providing for local as well as for national needs, and for meeting the increasing costs

of government and the expenses of the war. For the most part the tax work of the Legislative Assembly took the form of enactments with regard to the assessment and collection of the new *fonciere, mobiliere, and patente*. The extent and frequency of these measures suggest not only the normal problems connected with inaugurating a new system, but likewise the ineffective response of taxpayers to the growing demands of the Treasury.²

The provision and distribution of grain continued to complicate the trade in that essential commodity, and attempts were made to “provision” certain departments. The policy of free internal circulation of grain continued, however, despite restrictions on export; and, although many municipalities regulated food prices, the Assembly as yet avoided price fixing for the nation as a whole.³

In agriculture perhaps the most significant contribution of the Legislative Assembly was its further restriction of the feudal dues: on 18 June, 1792, all distinctions among the divers dues were suppressed; and on 25 August of the same year a definitive statement was made with regard to those rights which would continue.⁴ A measure providing for agricultural discoveries constitutes one of the first examples of what was to become a characteristic policy of the Revolution—state subsidization and encouragement of the various forms of economic activity. In August and September, 1792, provision was made for further restoration of the “common lands” to the local inhabitants of each commune, the land of *emigres* was added to that of the Church already on sale, and arrangements were

made whereby lands were to be placed on sale on easy terms and in small parcels.⁵

The policies of the Legislative Assembly inaugurated the second commercial period of the Revolution, a period characterized by prohibitions on exports

(necessitated by the war). And in industry, the main work was the provision of encouragements for manufacturers and the final step in the liquidation of the guilds.⁶

Social and Cultural Trends

The social and cultural history of the French Revolution remains to be written,⁸⁶ but this is not the place to attempt even an introduction to that considerable body of knowledge. Yet no study of the period can afford to ignore it, however sketchy the treatment.

In dealing with the social and cultural history of the French Revolution, two problems must be considered. The first of these—whether there was an active social and cultural life in France during the Revolution—may be ascertained, but cannot be illustrated effectively through the type of documents which constitute the body of this book. The second problem—whether a distinctively “revolutionary” culture developed in France between the years 1789 and 1799—is more elusive, at least as to adequate proof of its ultimate fruition; yet, paradoxically, the aims and trends in that direction are fairly apparent in divers public documents. Accordingly, it is in this latter connection, and through such documents, that

the social and cultural features of the French Revolution will be viewed in this volume.

The present section comprises a short sketch of social and cultural trends during the Constituent and Legislative Assemblies, with two documents to illustrate the latter. Section VII of Chapter Six describes the trends during the Convention through the Reign of Terror; Section V of Chapter Seven does likewise for the Thermidorian Reaction; and both sections contain representative documents. The social and cultural phases of the period of the Directory are limited principally to the Introduction and Section I of Chapter Eight. And an attempt is made in the Conclusion to suggest something of the social and cultural significance of the Revolution as a whole.

For obvious reasons the Estates General paid no heed to social and cultural problems as such. The Constituent Assembly, likewise and for substantially the same reasons, devoted itself primarily to other matters. Nevertheless, despite their incidental and often incomplete character, numerous items of legislation indicate the fact that the revolutionaries were comprehensive in their interests and aims. The press, theatres, public honors, patronage for inventors, subsidies for writers, money prizes for artists, the establishment of the National Archives, and the creation of a commission for the preservation of historical monuments —these and many similar matters were the subject of decrees; nor, as will be

⁸⁶ Apart from Chapter Ten of Brinton, there is no serious analysis of the social and cultural history of

the French Revolution in English, though useful materials are to be found in Ritchie, R. L. G., ed., *France, a Companion to French Studies* (London, 1937), and Tilley, Arthur, ed., *Modern France, a Companion to French Studies* (Cambridge, 1922). The best brief treatment in French is in L., G., and S., pp. 465-539; and more detailed, though much older, French presentations are in L. and R., v. 8, ch. 11-13, and Rambaud, v. 3, book I. For the social history see also: Sagnac, Philippe, *La legislation civile de la Revolution frangaise (1789-1804). Essai d histoire sociale* (Paris, 1898); Faguet, Emile, *Uoeuvre sociale de la Revolution* (Paris, 1898); Goncourt, Edmond and Jules de, *Histoire de la societe frangaise pendant la Revolution*, new ed. (Paris, 1904); and Brissaud, J. B., *A History of French Private Law*, tr. from the French by Repelje Howell (Boston, 1912). And for the cultural history see also: Hanotaux, Gabriel, ed., *Histoire de la nation frangaise*, 15 v. (Paris, 1920-

1929), v. 11, 13, 14, 15. indicated later, was education ignored. At the same time, the Constituent Assembly somehow managed to deal with such “social” matters as postal services, beggars, inheritance, public relief, and (as indicated in document 23) the furthering of social equality through the abolition of the nobility. Whereas, however, the Constituent Assembly was the great constructive revolutionary body in *most* respects, it remained for subsequent legislatures really to achieve anything of prime significance in the social and cultural spheres.

What the Constituent Assembly began, the Legislative Assembly continued, sometimes to fulfillment—as is evidenced by its legislation on such

a variety of cultural items as monuments, theatres, the press, encouragement of artists, and the establishment of the Louvre as the art headquarters of the nation.⁷ Perhaps the high point, however, is represented by Condorcet's report on education (73). In social legislation there was also considerable activity, much of which extended the work of the Constituent Assembly on such matters as charitable institutions, the postal service, and inheritance laws. Of great significance are two documents cited in a previous connection concerning vital statistics (70) and divorce (71), and the decree (cited herewith) on the death penalty (72).

72. Decree concerning the Death Penalty

20 March, 1792

SOURCE: **Duvergier, v. 4, pp. 87-88. See also: A. P., v. 40, pp. 187-188 [slight variation from Duvergier].**

REFERENCE: **Croker, John W., *Essays on the Early Period of the French Revolution***

(London, 1857), Essay VIII.

After the new Penal Code went into effect, the Legislative Assembly, in keeping with the humanitarian trends of the time, desired to humanize capital punishment. It sought the advice of Dr. Louis, Secretary of the Academy of Surgery, and on the basis of his memorandum (appended to the following decree) it adopted the guillotine for executions. At first known as the Louisette, after the learned doctor, the instrument later came to be called the Guillotine, after another doctor, Guillotin

by name, who had been one of its earlier advocates. The guillotine was first used in a public execution in Paris on 25 April, 1792. Dr. Louis' report indicates the scientific manner, so characteristic of the Revolution, in which the problem was approached and the solution reached.

* * *

The National Assembly, considering that uncertainty concerning the method of enforcement of Title I, article 3 of the Penal Code⁸ delays the punishment of several criminals condemned to death; that it is most urgent to terminate unfavorable conditions which might have unfortunate consequences; that humanity requires that the death penalty be as painless as possible, decrees that Title I, article 3 of the Penal code⁸⁹ be carried out according to the manner indicated and the method approved in the statement signed by the permanent secretary of the Academy of Surgery and annexed to the present decree; and, accordingly, authorizes the Executive Power to make the necessary expenditures in order to achieve this method of execution, in such manner that it may be uniform throughout the entire kingdom.

Motivated Opinion on the Method of Decapitation, 7 March, 1792

"The Committee on Legislation has done me the honor of consulting me concerning two letters written by the National Assembly with regard to the execution of Title I, article 3 of the Penal Code, providing that *every one condemned* to the penalty of death *shall be decapitated*." In these letters the

Minister of Justice and the directory of the Department of Paris, on the basis of representations made to them, consider it urgently necessary to determine exactly the manner of procedure in the execution of the law, lest, through defective means or by lack of experience and skill, capital punishment become horrible for the victim and the spectators . . .

“I consider the representations just and the fears well founded. Experience and reason alike indicate that the method hitherto used in decapitating criminals exposes them to a capital punishment more frightful than mere deprivation of life, which is the formal aim of the law; in order to achieve it, the execution must be made instantly and by a single blow; examples give proof of the difficulty of succeeding therein.

“The decapitation of M. de Lally must here be recalled;⁹¹ he was on his knees, his eyes bandaged; the executioner struck him on the nape of the neck; the blow did not sever the head . . . ; the body was turned over; and it was only with three or four blows of the sword that the head was finally separated from the body. This *butchery* was viewed with horror . . .

80 *ibid.*

“In Germany the executioners are more experienced as a result of the frequency of this method of execution, chiefly because women, whatever their status, are subject to no other type of execution, perfect execution, however, often fails, in spite of

the precaution, in certain places, of fastening the victim in an armchair.

“In Denmark there are two positions and two instruments for decapitation. The execution which might be called *honorable* is performed with a sword. The criminal, on his knees, has a bandage over his eyes, and his hands are free. If the punishment is to be ignominious, the victim is bound, laid on his stomach, and decapitated with an axe.

“No one is ignorant of the fact that cutting instruments have little or no effect when they strike perpendicularly; by examining them under a microscope it may be seen that they are only more or less fine saws, which must be operated by sliding over the body which is to be divided. One would not succeed in decapitating by a single blow with an axe or knife, the edge of which was in a straight line; but with a convex blade, as on old battle-axes, the blow struck acts perpendicularly only at the middle part of the circle; but the instrument, in penetrating the continuity of the parts it divides, has an oblique sliding action on the sides, and effectively achieves its end.

“In considering the structure of the neck, the center of which is the vertebral column composed of several bones, the connection of which forms overlappings so that there is no joint, it is impossible to be assured of a prompt and perfect separation by trusting to an agent whose skill is influenced by moral and physical factors; for certainty one must depend on invariable mechanical means, the force and effect of which may likewise be determined. That is the course followed in England:

the body of the criminal is laid face down between two posts connected at the top by a crosspiece, from which the convex axe is dropped on the neck by means of a release. The back of the instrument must be strong and heavy enough to act effectively, like a pile driver; it is known that its force increases in proportion to the height from which it falls.

“It would be easy to construct a similar machine, the performance of which would be unfailing. Decapitation would be performed instantly, according to the spirit and aim of the new law. It would be easy to test it on corpses, and even on live sheep. It could be determined whether it was necessary to fasten the victim’s head with a crosspiece encircling the neck at the base of the skull; the prongs or extensions of such crosspiece could be held by pegs under the scaffold. This apparatus, if found necessary, would cause no feeling and would scarcely be perceived.” ³

Signed: Louis,

Perpetual Secretary of the Academy of Surgery

73. Condorcet’s Report on Education

20-21 April, 1792

SOURCE: A. P., v. 42, pp. 192-195, 227-238 [DRAFT DECREE ON PP. 238-245], SEE ALSO: COMPAYRE, GABRIEL, ED., *Condorcet, Rapport et projet de*

tion generate de l’instruction publique (Paris, 1883) [includes Condorcet’s notes for the. 1793 edition].

REFERENCES: **COMPAYRE, GABRIEL**, *Histoire critique des doctrines de l'éducation en*

France depuis le seizième siècle (**Paris, 1898**); **Duruy, Albert**, *publique*

et la Révolution (**Paris, 1882**); **Greard, V. C. O.**, *La législation de l'instruction primaire en France depuis 1789 jusqu'à nos jours*, **2nd ed., 7 v. (Paris, 1890-1902)**; **La Fontainerie, François de, ed. and tr.**, *French Liberalism and Education in the Eighteenth Century. The Writings of La Chalotais, Turgot, Diderot, and Condorcet on National Education* (**New York, 1932**); **Liard, Louis**, *L'enseignement supérieur en France, 1789-1889*, **2 v. (Paris, 1888-1894)**.

The French Revolution destroyed, directly or indirectly, most of the educational system of the Old Regime, and endeavored to replace it with one which would be more truly representative of the new order. In so doing, it laid many of the foundations for modern education of the free, secular, universal, and compulsory variety.

As already indicated, the work of the Constituent Assembly in this connection was of necessity limited—mainly to a bill presented by Talleyrand for a committee in September, 1791.⁹² Title I of the Constitution of 1791 contained a promise of an Education Act, however,⁹³ and the new education committee of the Legislative Assembly began work on one. Discarding Talleyrand's "project" as a whole, nevertheless it derived much from it in both fact and idea. The conclusions of the Committee were presented by Condorcet in the accompanying report.

Condorcet was the suitable member of the Committee to present this “Report on the General Organization of Education.” A philosopher, mathematician, biographer, contributor to the *Encyclopaedia*, and member of the Academy of Science, he was both educated and enlightened. The report reflected many of his own ideas, particularly his belief in popular education as the basis of human progress. As presented to the Convention, the report was so lengthy that only the most relevant portions can be included here. Many of the sections which are omitted contained Condorcet’s anticipations of inevitable criticism.

02 For Talleyrand’s report see A. P., v. 30, pp. 447 ff.

03 See document 48, *supra*.

Modern readers of this remarkable document will be impressed with its applicability to the present day—the emphasis on science, the idealism and optimism in evaluating the significance of education, the farsighted glimpse of adult education, the manner in which it reflected the revolutionary philosophy of “careers open to talents,” its coeducational character, the attention to physical training, citizenship, and a balanced curriculum.

Before the report could be effectuated, the Legislative Assembly was a thing of the past; and it remained for the National Convention to implement the plan.

*** * ***

Gentlemen,

To offer all individuals of the human race the means of providing for their needs, of assuring their well-being, of knowing and exercising their rights, of understanding and performing their duties;

To assure each of them the facility of perfecting his skill, of rendering himself capable of the social functions to which he has a right to be summoned, of developing to the fullest extent the talents with which Nature has endowed him; and thereby to establish among citizens an actual equality, and to effect the realization of the political equality recognized by law:

Such must be the primary aim of national education; and from this point of view it is a task of probity for the government.

To direct teaching in such a manner that perfecting of the arts increases the pleasures of the generality of the citizens, and the comfort of those who devote themselves to it; that a greater number of men may become capable of performing the duties necessary to society, and that the ever-increasing progress of enlightenment may open an inexhaustible source of aid according to our needs, of remedies according to our ills, of means of individual happiness and of common prosperity;

Finally, to cultivate in each generation the physical, intellectual, and moral faculties, and thereby to contribute to this general and gradual improvement of the human race, should be the ultimate

aim towards which every social institution must be directed.

Such, moreover, must be the object of education; and it is a duty imposed on the government by the common interest of society, by that of all humanity.

But, in considering from these two points of view the immense task imposed upon us, we have felt from the very first that there was one part of the general system of education which it was possible to separate without harm to the whole, and that it was even necessary to do so in order to hasten the realization of the new system: that is, the distribution and general organization of establishments for public education.

In fact, whatever be the opinions concerning the exact extent of each grade of instruction, the method of teaching, the greater or lesser authority reserved to parents or granted to teachers, the assembling of pupils in boarding schools established by public authority, the means of uniting education as such with the development of. physical and moral faculties, the organization may be the same; and, on the other hand, the necessity of designating the locations of establishments and of having elementary books prepared, long before such establishments are put into operation, obliges us to urge the enactment of a law concerning that part of the work which has been entrusted to us.

We have felt that in this plan of general organization our prime care should be to render education on the one hand as equal, as universal, on the other as complete as circumstances permit; that

the education that it is possible to extend to all should be given to all equally; but not to refuse higher education to any part of the citizens because it is impossible to share it with the total population; to establish the one because it is useful to those who receive it, and the other because it is useful even to those who do not receive it.

Since the prime requisite of all education is that only the truth be taught, the establishments consecrated by the government must be as independent as possible of all political authority; since, however, such independence cannot be absolute, it results from the same principle that they must be rendered dependent only upon the assembly of the representatives of the people, because of all powers it is the least corruptible, the least likely to be influenced by particular interests, the most subject to the influence of the general opinion of enlightened men, and, above all, since it is the one from which all changes necessarily emanate, it is hence the least inimical to the progress of enlightenment, the least opposed to the improvements which such progress is to effect.⁹⁴

Finally, we have observed that education must not forsake individuals when they leave school, that it must encompass all ages, that there is no age at which it is not useful and possible to learn, and that this later education is even more necessary because that of childhood is restricted within the narrowest limits. Therein lies one of the principal causes of the ignorance in which the poorer classes of society

⁹⁴ Later in the report, however, he gives the power of appointing teachers to the *executive* power! are plunged today; the possibility of obtaining a primary education is greater than that of preserving its advantages.

We wish that henceforth not a single man in the realm may be able to say, "The law assures me an entire equality of rights, but I am denied the means of knowing them. I must depend only upon the law; but my ignorance renders me dependent upon everything around me. In my childhood I was well informed concerning what I needed to know; but, forced to work for my living, I soon lost those first rudiments; and there remains to me only the grief of feeling in my ignorance not the will of Nature but the injustice of society."

We believe that the government should say to the poor citizen: "The lot of your parents enabled you to obtain only the most indispensable knowledge, but you are assured of easy means of preserving and extending it. If Nature has given you talents, you may develop them, and they will not be lost either to you or to the ."

Thus, education must be universal, that is to say, it must extend to all citizens. It must be shared as equally as the necessary limitations of expense, the distribution of population, and the greater or lesser amount of time that children may devote to it permit. It must, in its several degrees, comprise the entire system of human knowledge, and assure to men of all ages the facility of preserving their knowledge or of acquiring new knowledge.

Finally, no public power is to have either the authority, or even the influence, to hinder the development of new truths, the teaching of theories contrary to its special policies or its temporary interests.

Such are the principles that have guided us in our work.

We have distinguished five degrees of education under the names: 1st, primary schools; 2nd, secondary schools; 3rd, institutes; 4th, *lycees*; 5th, the National Society of Arts and Sciences.⁰⁵

In the primary schools each individual will learn whatever is necessary for his personal guidance and for the enjoyment of his full rights. Such education will suffice also for those who profit from the lessons intended to render men capable of the simplest public duties to which it is desirable that every citizen be summoned, such as juryman or municipal official.

Every village of 400 inhabitants will have a school and a schoolmaster.

Since it would be unjust that in departments where the dwellings

Condorcet's secondary schools correspond to the higher primary schools in modern France, his institutes to the modern *lycees*, his *lycees* to the faculties of the Universities. As indicated later, the National Society was to supplant the old Academies. [See la Fontainene, *op. cit.*, p. 327, n. 1.] are scattered or in very small communities the people

should be deprived of equal advantages, a primary school will be located in every *arrondissement* where there are villages of 400 inhabitants more than

1,000 *toises* distant from each other. In such schools reading and writing—which of necessity assume some elements of grammar—will be taught. To these will be added the rules of arithmetic, simple methods of measuring a plot of ground accurately, for estimating the height of a building, an elementary description of the products of the country, of agricultural and industrial techniques, the development of basic moral concepts, and the rules of conduct derived therefrom; finally, those principles of the social order that can be made comprehensible to children.

Such diverse instruction will be divided into four courses, each of which can be completed in one year by a child of normal capacity.⁹⁶ . . .

Every Sunday the schoolmaster will deliver a public lecture which citizens of all ages will attend. ... In such lectures the principles and rules of morality will be expounded further, as well as those national laws which every citizen ought to know in order to understand and exercise his rights.⁹⁷

Thus, in these schools the fundamental truths of social science will precede their application. Neither the French Constitution nor even the Declaration of Rights will be presented to any class of citizens as tables which are handed down from Heaven and must be worshipped and believed. Enthusiasm will not be founded on prejudice or the habits of childhood;⁹⁸ . . . (*Applause*)

By thus continuing to learn throughout life, it will be possible to prevent knowledge acquired in school from being too quickly forgotten ... ; the people will be taught such new laws, agricultural practices, and economic techniques as are important for them to know. Finally, they may be taught the art of self-instruction ...

We have spoken here . . . only of direct instruction, since this is the only kind of which the procedure, arrangement, and extent must be understood before determining the organization of the establishments for public education. Other methods will be considered in another part of our work.⁹⁹

⁰⁶ Children were not to be admitted before the age of six.

⁰⁷ This was never put into effect. , -

⁰⁸ In this respect, Condorcet was not in harmony with the opinions of most revolu-

ti0o"La^SFontainerie, *op. cit.*, p. 330, n. 2, says that it would seem that an additional report was intended.

Thus, for example, the national festivals, by recalling to the inhabitants of the rural districts and to the citizens of the cities the glorious epochs of liberty, by sanctifying the memory of men whose virtues have honored their lifetime, by celebrating acts of sacrifice or courage of which it has been the scene, will teach them to cherish the duties which have been taught them. Moreover, in the internal discipline of the schools care will be taken to teach the children to be good and just. They will be made

to practise ... the principles which they have been taught . . . Books will be specially prepared both for adults and for children, books which they will find easy and interesting to read . . . Place before the simplest men pleasing and easy instruction, above all useful instruction, and they will profit by it. It is the discouraging difficulty of most studies, the futility of those to which prejudice has given preference, that has indisposed men to learning.

Gymnastics will not be overlooked. Care will be taken to direct the exercises in such manner that all the powers will be equally developed, and the ill effects of habits produced by certain types of work will be corrected.

. . .

The secondary schools are intended for children whose families can do without their work for a longer time, and can devote to their education a greater number of years, or even some money.

Each district, and also each town of 4,000 inhabitants, will have one of such secondary schools. An arrangement similar to that mentioned in connection with the primary schools will prevent inequality in the distribution of these establishments. The course of study will be the same in all; but each school will have one, two, or three teachers, according to the number of pupils expected to attend.

Some elements of mathematics, natural history, applied chemistry, a more extensive development of the principles of ethics and social science, and

elementary instruction in commerce will constitute the basis of their curriculum.¹⁰⁰

The teachers will deliver weekly lectures, open to all citizens. Each school will have a small library, and a small museum containing some meteorological instruments, some models of machines or of the crafts, and some natural history specimens. This will provide a new source of instruction. Without doubt these collections will be of almost no value at first, but they will grow with time, they will be increased by gifts, i°o More specific details are included in the “project” [see CompayrS, *op. cit.*, pp completed by exchanges; they will propagate a taste for observation and study which will contribute to their progress.

[He then goes on to point out that ultimately this secondary education may be available to all citizens equally. In the meantime, although farmers will be virtually excluded, apprentices in the towns may take advantage of it.]

Furthermore, as industrial processes are perfected, their operations become more and more subdivided, or there is an increasing tendency to give each individual a purely mechanical task, limited to a few simple movements, a task which is better and more easily done, but through habit alone, and in which the mind functions but little. Hence, the perfecting of industries will become, for a part of the human race, a cause of stupidity, will produce in every nation a class of men incapable of rising above the grossest interests, will introduce both a humiliating inequality and the seed of dangerous troubles, unless more extensive education offers to

individuals of this same class a resource against the inevitable effects of the monotony of their daily occupation.⁹

The third grade of instruction comprises the elements of all human knowledge. Such instruction, considered as a part of general education, is absolutely complete.

It includes what is necessary to enable a man to prepare himself to perform public duties which require the highest degree of enlightenment, or to devote himself successfully to the most profound studies. There teachers for secondary schools will be trained; likewise masters for primary schools, already prepared in the secondary schools, will receive further training.

The number of institutes has been fixed at 110, and they will be established in all the departments.¹⁰

In them will be taught not only what is useful to know as a man, as a citizen, no matter what profession one may intend to follow, but also all that may be needed for each of the major divisions of the professions, such as agriculture, the mechanical arts, military science; and even such medical knowledge as is necessary for simple practitioners, midwives, and veterinarians will be added.

Several motives have determined the type of preference accorded the mathematical and physical sciences. In the first place, . . . even the elementary study of these sciences is the surest means of developing intellectual faculties, of learning to reason correctly and to analyze ideas effectively.

Doubtless it is possible, by application to literature, grammar, history, political science, to philosophy in general, to acquire precision, method, a sound and profound logic, and still be ignorant of the natural sciences. Great examples have proved this; but elementary knowledge of these same subjects has not this advantage; it makes use of reason, but it does not develop it. That is because in the natural sciences the ideas are simpler, more rigorously circumscribed, the language is more perfect, the same words express the same ideas more exactly. The elements constitute a real part of the science, restricted within narrow limits, but complete in itself. Again, they afford reason a means of practicing which is within the grasp of the greater number of intelligences, especially in youth. . . . These sciences are a remedy for prejudices and narrow-mindedness which is, if not surer, at least more universal than philosophy itself. They are useful in all professions, and it is easy to see how much more so they would be if they were more uniformly diffused. Those who follow the progress of the sciences see the time approaching when the practical utility of their application will reach an extent which no one would have dared hope for, when the progress of the physical sciences is to bring about a happy revolution in the arts; and the surest means of hastening this revolution is to spread such knowledge among all classes of society and to facilitate the means of acquiring it.

Finally, we have yielded to the general attitude of mind which, in Europe, seems to incline more and more to these sciences with ever-increasing intensity. We feel that, as a consequence of the progress of the human race, these studies which

offer its activity an eternal and inexhaustible sustenance are becoming the more necessary as the improvement in the social order must leave less scope for ambition or greed; that in a country where at last it is desired to unite peace and liberty by eternal bonds, it ought to be possible, without tedium, without sinking into idleness, to consent to be only a man and a citizen; and that it is important to turn towards useful objectives that need for action, that thirst for glory for which the state of a well-governed society does not afford a vast enough field of action, and thus to substitute the desire to enlighten men for the desire to dominate them.

Some may find that the Latin language is too much neglected.

But from what point of view should a language be considered in a general education? Does it not suffice if students are brought to the point where they can read the really useful books written in that language and are able to make further progress without teachers? Can a profound knowledge of a foreign language, and of the beauties of style offered by the works of men of genius who have used it, be regarded as general knowledge which every enlightened man, every citizen who is destined to fill the more important positions in society, cannot ignore? By what special privilege should Latin alone be the aim of more extensive education when the length of time available for instruction, when the very aim of education, oblige us to limit it in all its branches to elementary knowledge, and to let the inclination of the young guide them freely towards those which they wish to cultivate? Is it to be considered the universal language of scholars, in

spite of the fact that it is daily losing that significance? An elementary knowledge of Latin suffices for reading their books; but there is not a single really important work on science, philosophy, or politics which has not been translated; all the facts which these books contain can be found better explained, together with new facts, in books written in the vernacular. The reading of originals is useful only to those whose object is not the study of the science itself but of its history.

Finally, ... a prolonged and assiduous study of the languages of ancient peoples, a study which would require the reading of the books which they have left us, might perhaps be more harmful than useful.

In education we seek to make truths known, and these books are full of errors. We seek to train the mind, and these books may lead it astray. We are so far removed from the ancients, we are so far ahead of them on the road to truth, that we must have well-fortified minds if these precious relics are to enrich them without corrupting them.

• • • • •

You owe the French nation an education on a level with the spirit of the eighteenth century, with that philosophy which, while enlightening the present generation, presages, prepares, and already anticipates the superior intelligence to which the necessary progress of the human race is leading future generations.

Such are our principles; and it is according to that philosophy, untrammelled, independent of all

authority, free from all old habits, that we have chosen and classified the subjects of public education. According to that same philosophy we have considered the moral and political sciences an essential part of common education.

In fact, how is it possible to hope ever to raise the ethical standards of a people unless the standards of the men who are able to enlighten it, who are destined to guide it, are based on a rigorous and exact analysis of the moral sentiments, of the ideas which derive from them, and of the principles of justice which they produce?

... In order that citizens may love the laws without ceasing to be really free, in order that they may preserve that independence of mind without which devotion to liberty is only a passion and not a virtue, they must know those principles of natural justice, those essential rights of man, of which the laws are only the development or the application. ... In loving laws they must know how to judge them.

Never will a people enjoy a stable, assured liberty if instruction in political science is not universal, if it is not independent of all social institutions, if the enthusiasm aroused in the souls of citizens is not guided by reason, if they are capable of being inspired by anything but truth, if, while attaching men by habit, by imagination, by sentiment to its constitution, its laws, and its liberty, you do not prepare for them, by a general education, the means of achieving a more perfect constitution, of giving them better laws, and of attaining a more complete liberty. For it is the same with liberty, with equality, with these great political reflections as with the

other sciences; there exists in the order of things possible a final limit for which Nature wishes us to be able constantly to strive, but which it is impossible for us ever to attain.

The third grade of instruction will give those who profit thereby a real superiority that is rendered inevitable by the diversity of the functions of society;¹⁰³ .. .

The instruction will be divided into courses, some related, others independent, though given by the same professors. These courses will be distributed in such manner that it will be possible for a student to take four of them at the same time, or to take only one, to complete the entire curriculum in about five years if he has great ability, or, if he is less apt, to limit himself to only a part of it during the same period of time. It will even be possible to stop at a given point in each science, to devote more or less time to it. Thus, different combinations can be arranged to suit all variations of talents or personal circumstances.

¹⁰³ In a note to the 1793 edition of his report, Condorcet said that equality of mind and education were chimeras. [See Compayre, *op. cit.*, p. 120.]

Once a month the professors will deliver public lectures.

Since these lectures are intended for the more learned who are able to acquire knowledge for themselves, they need not be more frequent They will treat principally of scientific discoveries and experiments, of new observations, and of processes

useful to the arts. By *new* is meant that which is not yet a matter of common knowledge, of generally accepted procedure, but not beyond the range of elementary instruction. Each college will have a library, a museum, a botanical and agricultural garden. These establishments will be under the care of a curator; . . .

Finally, since in this grade of instruction the teaching must not be limited to simple explanations, the students must be trained by means of demonstrations, discussions, or even compositions—for it is necessary to ascertain whether they understand, whether they retain what they have learned, whether their intellectual faculties are developing; a certain number of seats should be reserved in each classroom for those who, although not regular students, and, consequently, not subject to the questions or the work required of the class, might wish to follow a course of instruction or be present at some lessons.

This sort of publicity, regulated in such a manner that it will not disturb the order of the teaching, would have three advantages. First, it would afford a means of enlightening those citizens who have not been able to obtain a complete education, or who have not sufficiently profited thereby, and it would make it possible for them to acquire at any age such knowledge as may be useful to them. Thus the immediate benefit which may be derived from the progress of the sciences would not be exclusively reserved for scholars and for youth. Second, parents could be present at the lessons of their children. Third, the young people, placed to some extent before the eyes of the public, would

be more inspired with emulation, and would early acquire the habit of speaking with assurance, with facility, with propriety, a habit which a few formal exercises could not enable them to acquire.

In garrison towns, the professors of military science can be required to deliver weekly lectures for the soldiers. The principal subject of such lectures would be the explanation of military laws and regulations, care being taken to dwell on their spirit and motives; for the soldier's obedience to discipline ought not to differ from the citizen's submission to law; it must be equally enlightened, and governed by reason and love of country rather than by force and fear of punishment. . j. .

While enough of the elementary theory of the science of medicine for the practice of that profession is being taught in the institutes, the physicians from the hospitals can teach the practical part, and can give instruction in surgery; so that, by increasing the schools in which elementary but correct knowledge will be imparted, it will be possible to assure to the poorest citizens the aid of enlightened men, trained by good methods, instructed in the art of observing, and free from the prejudices of ignorance as well as from those of systematic doctrines.

In seaports, special professors of hydrography and of piloting can teach navigation to students who are already prepared by the courses in mathematics, astronomy, and physics, which constitute a part of the general education. Elsewhere, with the aid of these same courses, a smaller number of teachers will suffice to train other students in construction. In

all subjects this distribution of common instruction will render more simple and less expensive all the kinds of special training needed for public usefulness.

The principles of morality taught in the schools and the institutes will be those which, founded on natural sentiments and on reason, are common to all men. The Constitution, by recognizing the right of each individual to choose his religion, by establishing complete equality among all the inhabitants of France, does not permit the introduction into public education of any teaching which, by excluding the children of part of the citizens, would destroy the equality of social advantages, and give to particular dogmas an advantage contrary to freedom of opinion.- It is, then, absolutely necessary to separate ethics from the principles of any special religion, and not to permit in public education the teaching of any religious creed.

Each religion must be taught in its own temples by its own ministers. Parents, whatever their opinion concerning the necessity of one religion or another, may, accordingly, without reluctance, send their children to the national schools; and the government will not have usurped rights over consciences under pretext of enlightening and guiding them.

Besides, how important it is to base morality on the principles of reason alone! . . .

Can it be said, then, that the idea of such a separation is too far above the present stage of

enlightenment of the people? No, without doubt, for since it is here a question of public education, to tolerate error would be to become a party to it; not to proclaim truth would be to betray it. . . .

We have given the name *lycee* to the fourth grade of instruction. In this grade all the subjects will be taught in their entirety. In the *lycees* scholars will prepare themselves—those who make of the cultivation of their minds, of the perfecting of their own faculties one of the occupations of their lives, those who intend to follow one of the professions in which great success can be attained only by assiduous study of one or more of the sciences. The professors also will be prepared here. It is by means of these establishments that each generation may transmit to the following generation what it has received from the preceding one, and what it has been able to add thereto.

We propose the establishment in France of nine *lycees*. By emanating from several centers at the same time, learning will be diffused with greater equality, and will be distributed among a greater number of citizens. This will be a sure means of retaining in the departments a greater number of enlightened men who, if they were obliged to go to Paris to achieve their education, would be tempted to remain there; and, according to the wording of the Constitution, this consideration is very important.¹⁰⁴

In effect the law requires that deputies to the legislature be chosen from among the citizens of each department; and, even if this were not obligatory, the general welfare would,

nevertheless, render it necessary, at least in the greater number of cases. The administrators and judges likewise are selected from the departments where they perform their duties. How could it be maintained that everything has been done to prepare for the Nation men capable of performing the most important public duties, if one city alone afforded them the means of preparing themselves? How could it be asserted that the means of developing themselves have been offered to all talents, that none has been neglected, if, in as extensive a realm as France, such means could be found in only one place?

. . . The number of *lycees* has been fixed at nine because, by comparing this number with that of the great universities of England, Italy, and Germany, it seemed to correspond with the needs of the population of France. In fact, without the number of students being so great as to be detrimental to the teaching, one man in every sixteen hundred will be able to pursue a course of study at a *lycee*. This proportion is sufficient for an education required for only a small number of professions, and concerned only with advanced instruction.

104 ;ee me fundamental guarantees in Title I of the Constitution of 1791 [document 48, *supra*].

The education which we propose to establish is more complete, the distribution more in accord with the present state of the sciences in Europe, than in any similar establishments in foreign countries. We believe that no sort of inferiority should be permitted in France; and, since each year brings new

progress in the sciences, not to surpass what has already been done would be to remain inferior.

Some of the *lycees* will be situated where they will attract young people from abroad.¹⁰⁵ The commercial advantage of this is of small importance to a great nation; but the advantage of disseminating more widely the principles of liberty and equality, the reputation that a people acquires through the concourse of foreigners who come to it to seek enlightenment, the friends that this people gains among these young people reared in its midst, the immense advantage of rendering its language universal, the fraternity among nations that can result —such possibilities of a noble usefulness must not be overlooked.

Some of the *lycees*, then, must be located near the frontiers; in their general distribution throughout the realm, care should be taken to avoid too great a disproportion in the distances between them. Cities which already possess great establishments devoted either to teaching or to the progress of the sciences have the right to a preference based on economic considerations and the interests of education itself.

Finally, it has seemed to us that the less important cities, where the general attention of the citizens would be drawn to these institutions, where the spirit of science would not be stifled by great interests, where public opinion would not be strong enough to exert a dangerous influence on teaching and subject it to local views, would offer more advantages than the great commercial cities, from which the higher cost of living would keep away

the children of poor families, and of which parents might fear the more powerful seductions and the more numerous opportunities for dissipation and spending money.¹⁰⁰ We feel, however, that this last consideration should not apply to Paris. The unanimous judgment of Europe, which for the past century has considered that city one of the capitals of the learned world, would not permit it. It is by combining these divers principles, by granting more or less to each of them, that we have determined the locations of the *lycees*.

The *lycee* of Paris will differ from the others only in the fact that it will provide a more complete training in ancient and modern lan-

¹⁰⁵ e.g., Strasbourg.

¹⁰⁶ e.g., Lyons, Lille, Bordeaux, Marseilles, Rouen. guages, and perhaps through some institutions dedicated to the fine arts—subjects which, by their very nature, require only one establishment for all France. We believe that an institution where all known languages are taught, where men of all countries may find an interpreter, where it is possible to analyze and compare all the methods by which men have formed and classified their ideas, ought to produce important discoveries, and facilitate among peoples a *rapprochement* which should no longer be regarded as a philosophical chimera.

In the *lycees* young men whose minds have already been trained will learn by studying antiquity. There will be no danger to them in these studies, because, already capable of estimating the effects of

the differences of manners, of governments, and of languages, of the progress of opinions and ideas, they will be able, at the same time, to sense and to appreciate the beauty of their examples.

Instruction in the *lycees* will be open both to young people who are completing their education and to adults. . . .

In these four grades of education the tuition will be absolutely free.

The Constitutional Act decrees that tuition shall be free in the first grade;¹⁰⁷ and the second, which also may be regarded as general, likewise must be free, or there would be created an inequality in favor of the richer classes, who are taxed according to their wealth, but who would pay for education only in proportion to the number of children that they would send to the secondary schools.

As for the other grades, it is important that public prosperity afford the children of the poorer classes, who are the most numerous, the possibility of developing their talents. This is not only a means of assuring to the *Patrie* more citizens able to serve it and to the sciences more men capable of contributing to their progress, but also of reducing that inequality which derives from difference of wealth, and of bringing together the classes which such difference tends to separate. The natural order establishes in society no inequality other than that of education and wealth,¹⁰⁸ and, by extending education, the effects of both of these causes of difference will be lessened. The advantage of education, less exclusively united with that of

wealth, will become less noticeable, and will no longer be dangerous; the advantage of being born rich will be balanced by the equality, even the superiority, of knowledge which may be obtained freely by those who have an additional incentive to acquire it.

Moreover, since neither the *lycees* nor the institutes will attract an

¹⁰⁷ See Title I of the Constitution of 1791 [document 48, *supra*],

¹⁰⁸ Like Helvetius he tends to ignore inequality of talents. equal number of students, there would be too great a difference in the position of the teachers if the tuition were not free. . . .

. . .

After having freed education from all kinds of authority, let us be careful not to subject it to public opinion, which it should anticipate, correct, and form, but neither follow nor obey.

Above the primary schools, education ceases to be strictly universal. But we feel that we should achieve the double objective of assuring to the *Patrie* all the talents that may serve it, and of not depriving any individual of the advantage of developing those with which he has been endowed, if the children who show the most aptitude in a given grade of education were chosen to enter the next higher grade, and maintained at the expense of the National Treasury, under the title of *pupils of the Patrie*. According to the plan proposed by the

committee, 3,850 children, or thereabouts, would receive a sum sufficient for their maintenance. Of these, 1,000 would attend the institutes and 600 the *lycees*. About 400 would graduate every year to take up useful employments in society or to devote themselves to the sciences. Never in any country could the government open to the poorer classes a more abundant source of prosperity and learning; never could it use more powerful means of maintaining the rights of natural equality. Not alone will the study of the sciences be encouraged, but also that modest industry which seeks only to make easier the admittance to laborious professions. As it is desirable that there also be rewards for diligence, for love of work, and for benevolence, even when not accompanied by brilliant qualities, the government will provide for other pupils of the *Patrie* their apprenticeship in the generally useful crafts.

In the primary and secondary schools, the elementary books will be the product of a competition open to all citizens, to all who are desirous of contributing to public education; but the authors of such elementary books for the institutes will be designated. No restrictions will be placed on the professors of the *lycees*, save that of teaching the subject of the courses entrusted to them. The scope of the elementary books for the institutes, the desire to see celebrated men assume the task of preparing them, the improbability that they would be willing to do this unless they were assured that their works would be adopted, the difficulty of selection—all these motives have led us to determine not to submit such books to a competition. We have concluded that if a man who is

justly renowned in any branch of knowledge is disposed to prepare an elementary book on such topic, and looks upon the task as a proof of his zeal for public education, for the advancement of enlightenment, such a work will be good. As this refers to men renowned in Europe, there need be no fear of making a mistake in the choice. If, on the contrary, a competition were held, what assurance would we have of obtaining a good elementary book? How is it possible to decide among ten books, for example, each one an elementary treatise on mathematics or physics in two volumes? Is it absolutely certain that the judges would devote themselves to the drudgery of such an examination? Is it absolutely certain that it is even possible for them to judge correctly? Might not some philosophical views, some subtle and ingenious ideas in a book, incline them in its favor at the expense of method or clarity?

In the first three grades of education the elements alone will be taught to a greater or less extent; for every subject, and for every one of its branches, there is a limit that must not be exceeded. The government, therefore, should designate the books which are suitable; but in the *lycees*, where all of a subject is to be taught, the professor should choose the methods. There is an inestimable advantage in this. It will prevent education from ever being corrupted; for it is certain that if, by a combination of political circumstances, the elementary books should be infected with dangerous doctrines, the freedom of teaching in the *lycees* would counteract the effects of such corruption. Thus it need never be feared that the language of truth will be silenced.

Finally, the last grade of education is a *National Society of Arts and Sciences*, instituted to supervise and direct the teaching establishments, to perfect the sciences and the arts, and to collect, encourage, apply, and disseminate useful discoveries.

It is no longer the special instruction of children, or even of adults, that is under consideration, but the education of the entire generation, the general perfecting of the human intelligence. It is not a matter of enlightening such and such an individual in particular, it is the entire mass of knowledge that must be enriched by new truths. New means of accelerating progress, of multiplying its discoveries, must be prepared for the human intelligence.

We propose to divide this society into four classes, which will hold their meetings separately.

[1](#)

On finances see: Bloch, *Monnaie*, pp. 1-41 *passim*, 141-228, 515-518 [pp. 31-40 give the financial agencies of the Revolution]; see also references to document 26 *supra*.

[2](#)

On taxation see Bloch, pp. 1-59 *passim*, 326-399, 1075-1110 [pp. 50-57 give the taxation agencies of the Revolution],

[3](#)

Concerning the grain trade see Caron, pp. 1-27 *passim*, 36-39 [pp. 13-15 give agencies of the grain

trade during the Revolution].

[4](#)

See Duvergier, v. 4, pp. 217-218, 355-358; see also 17 August, 1792 [*ibid.*, p. 317] and Caron, *op. cit.* [document 15, *supra*],

[5](#)

.[5](#) Concerning agriculture see Bourgin, pp. 241-260 *passim*, 302-304 [pp. 243-244 give the agricultural agencies of the Revolution].

[6](#)

Concerning commerce see Schmidt, pp. 1-29 *passim*, 115-132 [pp. 12-26 give the commerc'd agencies of the Revolution]. Concerning industry see Schmidt, *Industrie*, pp. 1 21 *passim*, 67-70 [pp. 12-19 give the industrial agencies of the Revolution],

[7](#)

Under the Legislative Assembly the commission on monuments was succeeded by a Committee on Public "Instruction."

[8](#)

This article reads, "Every condemned person shall be decapitated" [see Duvergier, v* *jy* pt 352].

[9](#)

At about this point, the reading of the report was interrupted by the arrival of the King and the

presentation of a report by Dumouriez. Condorcet was forced to postpone his reading until the next day.

[10](#)

One for each department, plus twenty-seven in important localities.

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. The first class comprises all the mathematical sciences.

For a century no learned society has thought of separating them. Passing by imperceptible degrees from those which make use only of reckoning to those founded on observation alone, today almost all can use these two means of extending the limits of human knowledge, and it is expedient that those who know best how to use the one or the other of these instruments of discovery should help one another, that the chemist, the physicist, should prevent the botanist from confining himself to the simple listing of names, to too bare a description of objects, or should call to more useful work the geometrician who might be passing his time with questions of numbers or with metaphysical subtleties.¹⁰⁹

The second class includes the moral and political sciences . . .

The third class comprises the sciences of applied mathematics and physics.

. . . This class includes medicine and the mechanical arts, agriculture, and navigation.

The fourth class includes grammar, letters, fine arts, and classics [*erudition*].

In public education, and in the National Society, the fine arts as well as the mechanical arts are

considered only in relation to the theory of the art. The object is to bridge the space which separates the abstract sciences from the practical, the philosophy of an art from the simple application of it.

The distribution of work in the great societies produces between the intellectual faculties of men a gap which is incompatible with that equality without which liberty is, for the less enlightened class, only a deceptive illusion; and there are only two means of eliminating such a disparity: to interrupt, if possible, the progress of human intelligence, to reduce mankind to eternal ignorance, the source of all evils, or to leave to the intellect all its activity, and to establish equality by spreading knowledge. Such is the fundamental principle of our work; . .

This teaching of the arts, progressing by degrees from the primary schools to the *lycees*, will give all classes of society the knowledge of the principles that should guide the practice of such arts, will make known promptly everywhere new discoveries and methods, and will propagate only those of which experience has proved the value. It will stimulate the industry of workers, and, at the same time, by preventing

¹⁰⁹ Physics and chemistry are included here because they use calculus [See la Fontainerie, *op, cit.*] p. 359, n. 6.] it from going astray, will forestall the ruin to which their activity and their talents expose them when ignorance of theory abandons them to their imagination. Perhaps nothing will bring more quickly the day when the French Nation will achieve the point in manufacturing and in the arts to which it

would have risen long since, if the defects of its constitution and its laws had not impeded its efforts and compromised its industry.

According to the plan which we propose, each individual may be a member of only one class, but may pass from one class to another. There is no objection to this, because each class will be too limited to admit scholars who do not essentially belong to it, because no class will admit any member who naturally belongs to another, because, finally, no class will be considered inferior to another. For these reasons, passing from one class to another will be very rare.

We have already stated that each class of the Society will hold its meetings separately. Such meetings will be open to the public; but only in order that those who study the sciences may listen to the lectures and follow the discussions. There will be no necessity of being understood by the audience, of keeping within the limits of their capacity, of interesting or amusing them, to regulate order in the meetings, the form of the discussions, or the choice of lectures.

The members of one class will have the right to sit with all the others, to take part in discussions, to read reports, and to have their works included in the collections published by each one. Thus, the rule permitting membership in only one class will deprive of no real advantage either the sciences or those who are studying several of them at the same time. . . .

Each class will be divided into two sections. Each section will consist of a fixed number of members, of whom one-half will reside in Paris, the others to be divided among the departments.

This division into sections is necessary because the Society is responsible for the supervision of education. It is likewise useful in order to guarantee that no branch of knowledge will for a moment be neglected. . . .

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The fixing of the number of members seemed to us equally useful. Otherwise a learned society is no longer an object of emulation, moreover, it ceases to be able to govern itself, it is forced to confide its scientific works to a committee, and equality within it is destroyed. ... One-half of these savants will reside regularly in the departments.

This more equitable distribution, necessary for the progress of the sciences of observation and those of immediate utility, will likewise have the advantage of diffusing enlightenment more uniformly, of bringing it within reach of a greater number of citizens, of stimulating a more general taste for study and for useful research, of making the rewards of talent and of knowledge better known, of providing everywhere teachers and aids for the ignorant, enemies of charlatanism who will be quick to expose and to conquer it, of leaving prejudice

no refuge where it can take root anew, thrive, and spread.

The members of the National Society will elect the new members. If, at its foundation, the Society is composed almost entirely of enlightened men, we may rest assured that it will continue to be such an assembly.¹¹⁰ . . .

Each class of the National Society will elect . . . the professors of the *lycees*, who are to teach the subjects which pertain thereto.

The professors of the *lycees* will appoint those of the institutes, but the municipalities will have the right to draft the list of those who are eligible.

As for teachers in the secondary and primary schools, the list of those eligible will be made by the professors of the institutes in the district, and the choice will be made, in the former case, by the municipal body of the place where the school is situated, in the latter, by the heads of families in the district of the school.

Councils composed of members of the National Society and of the faculties of the *lycees* and institutes will be responsible for the regular inspection of institutions of a lower grade. In important cases the decision will be made by one of the classes of the National Society or by the assembly of the professors of either the *lycee* or the institutes.

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If we count all the sums used for the literary foundations replaced by the new institutions, the endowments of the teaching orders and of the colleges, the salaries that the cities pay professors, the revenues of all types of schools, and then add what it costs the people to pay the teachers of these schools, we shall find that the cost of the new organ-

¹¹⁰ Condorcet fails to indicate how the *first* members of the Society are to be chosen. ization of public education will not greatly exceed, perhaps not even equal, what the old institutions cost the Nation. . . .

We have presented in this plan the organization of public education as we have believed it ought to be, but we have not considered at all the manner of creating the new institutions. It seemed to us that the National Assembly should determine what it wished to do before we concerned ourselves with the means of fulfilling its wishes.

In villages where there will be only one primary school, children of both sexes will be admitted thereto, and will receive the same instruction from the same teacher. If a village or a town has two primary schools, one of them will be in the care of a woman teacher, and the children of the two sexes will be separated.¹

This is the only arrangement concerning the education of women that we have made in our preliminary work. Their education will be the subject of a special report;² for, if we take into consideration the fact that in families of moderate means the home training of the children is left almost entirely to their mothers, and that out of twenty-five families

engaged in agriculture, commerce, or some industry, one at least has a widow as its head, we shall realize the importance, both for general prosperity and for the general progress of enlightenment, of this part of the work that has been entrusted to us.

This system of organization may be reproached for not respecting sufficiently the equality among men devoted to study, and granting too much independence to those who belong to the system of public education.

But, in the first place, it is not a question of a distinction to be made, but of a public function which it is necessary to confer on certain men, the number of whom will be determined, and whose meetings will be subject to a regular procedure. Reason requires that men responsible for the education, either of children or of adults, should be chosen by those who can be supposed to have equal or superior knowledge. . . .

. . . according to the plan that we propose the free societies can have only a salutary effect. They will serve as censors of the National Society, which will exercise over them at the same time a censorship no less useful. Those in which charlatanism dominates will soon cease

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to exist, because no hope of deluding public opinion will sustain them. Each will seek, in its own sphere of activity, not to lag behind the National Society, which itself will not wish to be considered inferior to them. Above all, they will be the natural judges of

the selections made by that Society, and thereby they will contribute more to assure its success than if they co-operated with it in a more direct manner.

Finally, the Society responsible for supervising national education, for concerning itself with the progress of the sciences, of philosophy, and of the arts in the name of the government should be composed entirely of scholars, that is to say, of men who have devoted themselves to a subject to its fullest extent, who have penetrated its depths or enriched it by discoveries.

Since the knowledge of the principles of the arts is still foreign to almost all who study them, since their history is known to only a small number of scholars, without such a Society it would be inevitable that the citizens and the nation would welcome, reward, and apply, as useful discoveries, procedures or methods which have long been known and rejected for sound reasons or which have been abandoned after unfortunate experience.

The free societies cannot exist unless they admit at the same time both scholars and amateurs in the sciences, and it by this means especially that they can inspire a taste for these subjects, help to make them more widely known, maintain and perfect good methods of studying them. It is thus that these societies can encourage the arts without protecting charlatanism, create for the sciences an opinion common to enlightened men, which it would be impossible to disregard, and of which the National Society will be no more than the interpreter.

At the same time, since every citizen is free to establish educational institutions, the national schools will find it absolutely necessary to maintain themselves on at least as high a level as the private establishments; and liberty, or rather equality, will remain as complete as it can be in a public institution.

The National Society as we have conceived it must not be confused with the learned societies which it replaces.¹¹³ The real equality which is its foundation, its absolute independence of the executive power, the complete liberty of opinion which it shares with all citizens, the functions relating to public education which are assigned to it, a distribution of work which forces it to concern itself only with useful subjects, an equal number of its members dispersed among the departments: all

¹¹³ On 8 August, 1793, all state-supported academies or societies were abolished. these differences guarantee that it will not merit the criticism ... to which the Academies were subjected. Moreover, under a constitution which is based on equality, there will be no need to fear that a society of enlightened men will easily acquire that corporate spirit that was so dangerous, but so natural, at a time when all was privilege. . .

This independence of all external authority, in which we have placed public education, need alarm no one, since any abuse would be corrected instantly by the legislative power, which has direct authority over the entire system of education. Does not the existence of free instruction and of independently established learned societies also oppose to this abuse a power

of opinion so much the more important because, under a popular constitution, no institution can exist unless public opinion adds its force to that of the law? Besides, there is a final authority which, in all things pertaining to the sciences, nothing can resist: the general opinion of enlightened men in all Europe, an opinion which it is impossible to mislead or to corrupt. ... It is, in a word, for savants, for men of letters, for philosophers, a sort of anticipated posterity, whose judgments are as impartial and almost as sure, and a supreme power, from whose control they cannot attempt to escape.

Finally, independence of instruction is, in a sense, a part of the rights of the human race. Since man has received from Nature a perfectibility whose unknown limits extend—if they even exist—far beyond what we can yet conceive, since knowledge of new truths is for him the sole means of developing this happy faculty, which is the source of his happiness and of his glory, what power could have the right to say to him: “This is what you need to know; this is as far as you may go”? Since truth alone is useful, since every error is evil, by what right would any power, whatever it be, dare to determine wherein lies truth, wherein lies error?

Besides, any power which would forbid the teaching of an opinion contrary to that which has served as a basis for the established laws, would be directly attacking freedom of thought, would frustrate the aim of every social institution, the perfecting of the laws, which is the necessary consequence of the difference of opinions and the progress of enlightenment.

On the other hand, what authority could prescribe the teaching of a doctrine that is contrary to the principles which have guided the legislators?

There is only one means of avoiding, on the one hand, a superstitious respect for existing laws and, on the other, an indirect attack which, made against such laws in the name of one of the authorities instituted by them, could weaken the respect of the citizens for all law. This means is the absolute independence of opinions in all teaching beyond the elementary schools. There would then exist voluntary submission to the laws and the teaching of the means of correcting their defects, of rectifying their errors, without this liberty of opinion s being in any way harmful to public order, without this respect for the law's shackling the intelligence or arresting the progress of enlightenment and sanctioning errors. . . .

Moreover, the French Constitution itself makes such independence a strict duty. It recognizes that the Nation has the inalienable and imprescriptible right to reform all its laws. It wishes then that, in national education, everything should be submitted to a rigorous examination. It has given no law an irrevocability for more than ten years. It wishes then that the principles of all laws should be discussed, that all political theories be taught and contested, that no system of social organization be presented to enthusiasm or to prejudices as the object of a superstitious veneration, but that all should be presented to the reason as divers combinations among which it has the right to choose. Would this inalienable independence of the people be really respected if some particular opinions were

permitted to be fortified by all the force that a general teaching could give them? Would not the authority which assumes the right to choose such opinions really be usurping a part of national sovereignty?

The plan which we present to the Assembly has been prepared in conformity with an examination of the present state of enlightenment in France and in Europe, according to what we have been able to learn from the observations of several centuries concerning the progress of the human intelligence in the sciences and in the arts, and, finally, in keeping with what can be expected and anticipated of its further progress.

We have sought whatever might contribute more certainly to assure it a steadier advance, to render its progress more rapid.

Doubtless a time will come when learned societies, instituted by [governmental] authority, will be superfluous, and, thenceforth, dangerous; a time when even any public establishment of education will be useless. This will be when there is no longer any general error to be feared; when all motives which appeal to interest or to the passions on behalf of prejudices will have lost their influence; when enlightenment will be equally diffused over all parts of the same territory and among all classes of the same society; when all the sciences and all the applications of the sciences will be equally delivered from the yoke of all superstitions and from the poison of false doctrines; when, at last, each man will find in his own knowledge, in the rectitude of his mind, strength sufficient to repulse all the ruses of

charlatanism. But that time is still distant; our object must be to prepare for it, to hasten the epoch of its coming, and, in working to create these new institutions, we have inevitably been occupied at the same time in hastening the happy day when they will no longer be necessary.

IX. THE ELECTION OF A CONVENTION AND THE TERMINATION OF THE LEGISLATIVE ASSEMBLY

The elections to the National Convention began at the end of August, 1792, and continued in an atmosphere of tension. Antimonarchical sentiments ran high. Of some seven million voters, perhaps ten per cent exercised their franchise. Many could not afford to sacrifice a day's wages to go to vote. Others, for example those of royalist sympathies, were excluded from the polls in Paris by force or intimidation. In the capital, only known supporters of the Jacobins and the Commune were returned. In the departments, however, the voting favored the Girondins. This intensification of the division between Paris and the rest of France, between Jacobins and Girondins, presaged the party struggles which marked the entire period of the Convention.

By the third week in September, the elections were drawing to a close. On the 19th of that month, the convocation of the National Convention was decreed (74); and on the following day, the Legislative Assembly held its last business session.

74. Decree for the Convocation of the National Convention

19 September, 1792

SOURCE: **Duvergier, v. 4, p. 470. See also: A. P., v. 50, p. 150.**

This brief and essentially routine enactment is included here because of its implications. It not only terminated the Legislative Assembly; by convoking the National Convention, it also inaugurated the era which was to witness the transformation of France into a republic, the execution of the King, the chaotic days of the Terror, and the advent of the Bonapartist regime.

The National Assembly decrees that the Archivist shall convoke the deputies to the National Convention for tomorrow, 20 September, at four o'clock in the afternoon, in the room in the national building of the Tuileries reserved for them (second room of the large apartments, at the head of the grand stairway).

The mayor of the city of Paris shall give the necessary orders for furnishing a guard for the deputies to the National Convention.

The present decree shall be posted tonight.

***Suggestions for Reading and Reference* THE
LEGISLATIVE ASSEMBLY**

(For full titles see Key to Abbreviations, *supra*)

GENERAL

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Acton, pp. 193-239, 317-330 *passim*; **Aulard**, v. 1, pp. 338-367, and v. 2, pp. 31-143; **Bourne**, pp. 148-149, 163-184; **Bradby**, pp. 111-168; **Brinton**, pp. 53-63 and 64—87 *passim*, 88-108 *passim*, 246-273 *passim*; **C. H. B. F. P.**, v. 1, pp. 210-215; **C. M. H.**, v. 8, pp. 211-244, and ch. 14, 15 and 23-25 *passim*’, **Deslandres**, v. 1, pp. 138-193, 195-206; **Gasc-Desfosses**, v. 2, pp. 437-680; **Gershoy**, pp. 198-227; **Gottschalk**, pp. 194-214; **Hazen**, v. 1, pp. 469-518, and v. 2, pp. 519-558; **Henderson**, pp. 209-294; **Jaures**, v. 2, and v. 3, pp. 1-160. 442-851 *passim* [Mathiez ed., v. 3, and v. 4, pp. 5-367]; **Kropotkin**, v. 1, pp. 237-296, and v. 2, pp. 297-308, 323-325, 407-420 *passim*; **L. and R.**, v. 8, pp. 119-159, and ch. 5, 6, and 9-22 *passim*; **L. G.**, and **S.**, pp. 99-140, 465-539 *passim*; **MacLehose**, pp. 351-430; **Madelin**, pp. 211-300; **Masson**, ch. 2 *passim*, ch. 3-6, ch. 7 *passim*; **Mathews**, pp. 186-221; **Mathiez**, pp. 133-222; **Rambaud**, v. 3, Book I *passim*; **Rose**, pp. 61-70; **Sagnac**, pp. 330 436; **Sorel**, v. 2, pp. 299-566, and v. 3, pp. 1-66; **Stephens**, pp. 105-116; **Stephens**, *French Revolution*, v. 2, pp. 1-156, 415-561 *passim*; **Thompson**, pp. 227-309, and ch. 22 *passim* [Am. ed., pp. 248-337, and ch. 22 *passim*]; **Villat**, pp. 120-145, 153— 175, 207-212.

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399, 410, 415, 429-431 *passim*, 467-471 *passim*, 481-484 *passim*;

Caron, pp. 1-27 *passim*, 36-39; Clercq, v. 1, pp. 213-220; D. and M pp

xxv-xxvi [comments]; Duvergier, v. 4; Helie, pp. 326-336; Higgins, pp. 'l95_

256; Martens, v. 5, pp. 141-144, 173, 262-352, 357-364, and Table, pp 43-44-

***Moniteur*, v. 9, pp. 833 ff., v. 10-13, and v. 14, pp. 1-5; Schmidt, pp. 1-29**

***passim*, 115-132; Schmidt, *Industrie*, pp. 1-21 *passim*, 67-70; Schmidt,**

***Tableaux*, v. 1, pp. 61-87; Stephens, *Speeches*, v. 1, pp. 25-32, 243-323, 385-**

402, 415-422, and v. 2, pp. 158-170, 287-298, 304-332; Thompson, *Witnesses* pp. 144-202.

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***departements et par ordre alphabetique des deputes et des suppleants, avec nombreux details biographiques inedits* (Paris, 1900); Lacombe, J. P., *La premiere commune revolutionnaire de Paris et les assemblies nationales* (Paris, 1911); Mortimer-Ternaux, Louis, *Histoire de la terreur, 1792-1794, . . .*, 8 v. (Paris, 1868— 1881), v. 1.**

COUNTER-REVOLUTION AND EMIGRES: **see Chapter Three, *supra*, Section I, footnotes 1 and 3.**

FOREIGN RELATIONS: **see Chapter Three, *supra*, Section I, footnotes 5, 9.**

WAR AND MILITARY AND NAVAL AFFAIRS: **Charavay, Jacques, *Les generaux morts pour la patrie, 1792-1871. Notices biographiques*, ser. 1, 1792-1804 (Paris, 1893); Chuquet, A. M., *Les guerres de la Revolution*, 4th ed., 11 v. (Paris, n. d.); Hauterive, Ernest d', *Larmee sous la Revolution, 1789-1794* (Paris, 1894); La Ronciere, C. G. M. B. de, *Histoire de la marine frangaise*, 5 v. (Paris, 1899-1922); Leverrier, Jules, *La naissance de Varmee nationale, 1789-1794* (Paris, 1939); Six, Georges, *Dictionnaire des generaux et amiraux frangais de la Revolution et de VEmpire (1792-1814)*, 2 v. (Paris, 1934); Wey-gand, Maxime, *Histoire de larmee frangaise* (Paris, 1938); Wilkinson, H. S., *The French Army before Napoleon* (Oxford, 1915).**

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***Beginning of August to the Middle of December, 1792 . . .* (London, 1793-1794); Tourneux, Maurice, ed., *Proces-verbaux de la Commune de Paris (10 aout 1792- 1er juin 1793; . . .* (Paris, 1894); Williams, Helen M., *A Residence in France during the Years 1792, 1793, 1794, and 1795; . . .*, 2 v. (London, 1797).**

[See also at end of Chapter Two, *supra*, works by Berville, Morris, Sutherland.]

BIOGRAPHY

[See statement at end of Chapter One, *supra*.]

[1](#)

This provision was not realized. # v

[2](#)

This report was never written. For Condorcet's views on the subject see ms *Oeuvres*, v. 7, pp. 215-226.

CHAPTER FIVE--THE FIRST PHASE OF THE NATIONAL CONVENTION

(20 September, 1792-2 June, 1793)

I. THE CREATION OF A REPUBLIC; EARLY STRUGGLES OF GIRONDINS AND jacobins; republican victories and propaganda

75. The First Propagandist Decree, 19 November, 1792.

76. The Second Propagandist Decree, 15 December, 1792.

II. THE TRIAL AND EXECUTION OF THE KING

77. The Indictment of Louis XVI, 11 December, 1792.

78. Proclamation of the Convention to the French People,

23 January, 1793.

79. Letter from Grenville to Chauvelin, 24 January, 1793.

III. THE FIRST COALITION: FRENCH MILITARY REVERSES *

80. Decree concerning the Formation of a Committee of General Defence, 1 January, 1793.

81. French Declaration of War on England and Holland,

1 February, 1793.

- **82. Decree for a Levy of 300,000 Men, 24 February, 1793.**

IV. COUNTER-REVOLUTION AND THE EMERGENCY DECREES

83. Decree Providing for the Revolutionary Tribunal, 10 March, 1793.

84. Order for the Establishment of Watch Committees, 21 March, 1793. ,

85. Decree against *Emigres*, 28 March, 1793.

86. Decree on the Formation of a Committee of Public Safety,

6 April, 1793.

87. Decree Establishing Deputies on Mission, 9 April, 1793.

88. Decree concerning Non-intervention and Treason, 13 April, 1793.

V. THE FINAL STRUGGLES OF GIRONDINS AND JACOBINS

89. Circular from the Paris Jacobins to Local Branches of the Club, 5 April, 1793.

90. Robespierre's Proposed Declaration of Rights, 24 April, 1793.

91. Guadet's Speech on the Paris Commune, 18 May, 1793.

VI. DOMESTIC INSURRECTION AND ECONOMIC DISTRESS

92. Decree on Public Relief, 19 March, 1793.

93. The First Law of the Maximum, 4 May, 1793.

VII. THE FALL OF THE GIRONDINS

94. Proclamation of the Convention concerning the Events of

31 May and 1 June, 1793, 1 June, 1793.

THE FIRST PHASE OF THE NATIONAL CONVENTION

(20 September, 1792-2 June, 1793)

On 20 September, 1792, the National Convention held its formal opening session at the Manège, which was to serve as its meeting place until May of 1793.^{[1](#)}

Few restrictions had been placed on eligibility to the Convention. Hence, among the 749 new deputies there were some 80 constituents and about 200 members of the Legislative Assembly. As had proved the case since 1791, those who had been the progressives in one assembly (or who had supported those progressives from outside the legislative halls) were to become the conservatives in the succeeding assembly.

Naturally enough, therefore, on the Right of the Convention sat the Girondins, representing the commercial towns of the departments (and, to a certain extent, the large landowners as well). They based their policies upon the maintenance of

domestic tranquillity, the establishment of stable government, and the restriction of the activities of the “dangerous element” in the Commune. Among the leaders of this “Right” were Rabaut de Saint-fitienne from the Constituent Assembly and Condorcet, Guadet, and Brissot from the Legislative. They possessed the best orators, and Madame Roland’s salon continued as their intellectual headquarters.²

On the Left sat the heirs of the Jacobin group, soon to become known (because of their high seats in the hall) as the Mountain or Montagnards. Fewer in number than the Girondins, this faction was dominated by the Paris delegation, which included such agitators as Robespierre, Danton, Desmoulins, and Marat; and among their new members were Fouche, Tallien, and Saint-Just. All belonged to the Jacobin Club, from which dissenters were soon to be purged. In general they represented the democratic republicanism of the lower classes. Apart from the oratorical ability of many of their members, the strength of the Jacobins lay principally in their certainty of purpose and their perseverance in pursuing their objectives, outstanding among which were the overthrow of the Girondins and the execution of the King.³

In the Center, as usual, sat the bulk of the members, moderate in sentiments, timid as to action, inclined at first to support the Girondins, but subject to pressure politics. Led chiefly by Barere, Gregoire, and Sieyes, this group was never well organized. Because of its position on the “floor” of the Assembly, it became known as the Plain, or, by its critics, the Marsh.

The Convention had been elected to provide France with a constitution. The first step in the process was the disposition of the monarchy by transforming France* into a republic, following which, whatever unity of action the deputies might have evidenced rapidly gave way to an irreconcilable struggle between Girondins and Jacobins (I). Despite factional discord, however, circumstances forced the deputies to give attention to other matters, of which perhaps the most pressing were the prosecution of the war (I) and the execution of Louis XVI (II). The war policies and the execution of the King resulted in the formation of what was to be the first of a series of armed European coalitions against France (III).

The coalition's initial successes necessitated the enactment of numerous special laws to meet the problems of the moment (IV), and, as in the case of former assemblies, the Convention continued the struggle with apparently insurmountable difficulties in finance and taxation, coupled with economic unrest and insurrection (VI). The final conflicts of Girondins and Jacobins to obtain control of the emergency machinery for meeting domestic crisis and foreign invasion (V) resulted in the fall of the former and the ascendancy of the latter (VII).

With the fall of the Girondins the first phase of the Convention came to a close. This phase, generally known simply as "The Convention," had failed to produce the consequences anticipated in September, 1792. France now faced a European coalition and had already suffered military reverses; economic distress continued to plague the deputies; the problems incidental to the establishment of a

republic, the prosecution of a war, and the disposal of the King had resulted in bitter factional strife; the Constitution, belatedly debated, had not progressed beyond a proposed Girondin draft and Robespierre's Declaration of Rights; and the special machinery created for the emergency lacked as yet a harmonious and effective personnel to administer it.

The events of late May and early June, 1793, however, terminated internal conflicts for the moment. And the Convention turned to applying the emergency governmental agencies to the current crises—a procedure which constituted the main feature of the second phase of the Convention, a phase generally known as “The Reign of Terror.” a xhe standard work in English on the Jacobins is Brinton, Crane, *The Jacobins* (New York, 1930); see also Chapter Four, *supra*, footnote 3.

I. THE CREATION OF A REPUBLIC; EARLY

STRUGGLES OF GIRONDINS AND JACOBINS;

REPUBLICAN VICTORIES AND PROPAGANDA

The first regular session of the National Convention took place on 21 September, 1792. Among other accomplishments of the day, the deputies proclaimed popular sovereignty, placed persons and property under the protection of the nation, and provided for the provisional execution of laws and taxes.

Toward the close of this first session, Collot moved and Gregoire seconded the abolition of the monarchy. With apparently little enthusiasm a

decree to that effect was passed, thereby according *de jure* recognition to a *de facto* situation which had existed since 10 August. The lack of fervor on the part of the deputies may be attributed mainly to their fear of the unknown and untried qualities of the only alternative to monarchy. In fact, they adjourned the first session without *any* recommendation for a substitute government. When such recommendation was finally made, it came as a result of public sentiment, particularly in Paris. Even then, the nearest the deputies came to declaring France a republic was when, on the following day, they decreed that henceforth public documents should be dated from the first year of the French Republic, and three days later they pronounced the Republic “one and indivisible.”

Almost immediately after the acceptance of the idea of a republic, an irreconcilable struggle of Girondins and Jacobins began. At the outset, fundamental political and economic differences between the two groups were slight. Soon, however, marked diversities were to appear. These are traceable to several sources, outstanding among which were the war, personalities, the conflict between Paris and the departments, and the events of August and September, 1792. Robespierre had opposed the war; Brissot had supported it. Danton offended the Rolands; the Rolands irritated Danton. The Girondins annoyed the Paris-dominated Mountain by insisting that the capital be considered only as one of the departments. And the August insurrection and September massacres widened the gap between them. Moreover, the Girondins represented wealth, commerce, and industry, and advocated a stable government, free trade, and protection of

private property. The Jacobins, although equally favorable to private property and a competitive economy, professed a belief in governmental intervention in economic affairs, especially if such action were in the interests of the general welfare; hence they favored the “common man.”

Had France not been at war, the conflicting ideas of these two groups might conceivably have been settled through peaceful compromise. Under the circumstances, however, opposition became treason and public denunciations fostered hatreds. From the opening of the Convention until the Summer of 1793, party conflicts increased in ferocity. Yet, lest it appear that nothing transpired in the early period of the Convention *but* party conflicts, it must be remembered that the deputies were forced by circumstances to give attention to the needs of the moment, one of the most pressing of which was the promotion of the war.

At the moment the war was proceeding satisfactorily for France. Following

Valmy, the Prussians withdrew, and Dumouriez prepared to invade the Low Countries, while other armies advanced on Savoy and the Rhineland. Late in September French troops occupied Savoy and Nice, and shortly thereafter a national assembly of Savoyards declared in favor of union with France. In the Rhineland similar pro-French sympathies were manifested by converts to the revolutionary doctrines, and French generals drove out local authorities and made lavish promises of the benefits to be derived from the Revolution. In the North,

Dumouriez drove the Austrians into Belgium, and there, at Jemappes, on 6 November, the French won their first major victory. Within a few weeks the Netherlands were under French control, and there, too, fifth-column tactics, propaganda, and promises of liberation from Austrian domination gained wide popular support.

These victories of the Autumn of 1792 provided the Republic with new problems of “imperialism.” What was to be the attitude of the Convention towards its newly acquired territories? Long since, the revolutionaries had renounced all wars of conquest and all intervention in the affairs of other states.³ Yet the propagandist spirit, already strong, was soon to convince the majority of the deputies that they were conducting a popular crusade against tyrants. Formal pronouncement of this spirit of international revolution appeared in the First Propagandist Decree on 19 November, 1792 (75).

The alarm occasioned among other states by the First Propagandist Decree was heightened when, on 27 November, 1792, the Convention, in response to the appeals of the Savoyards, voted to incorporate their territory as a department of France. This was but the first of the former portions of ancient Gaul which were to return to the homeland, voluntarily or otherwise. By the end of the year, Nice, the Rhineland, and part of the Low Countries had joined the “fortunates.” Like twentieth century manifestations of national destiny, these “reunions” were not “conquest,” but merely a “return” of land after a period of “absence” from the motherland. And, again as in the case of modern confiscations, there was virtually

no other justification of the process than propaganda and force. As a means of clarifying policies in this connection, the Convention passed, on 15 December, 1792, what has come to be known as the Second

Propagandist Decree (76).

An interesting and ultimately disastrous consequence of the annexations of 1792 was the tendency to impose upon the “liberated” peoples a share of the cost of the war as the price of their emancipation. This, along with French military occupation of the regions, was soon to alienate many of the saved from their saviors. And, naturally, active opposition usually resulted in outright annexation. These policies produced new enemies abroad, and were partly responsible for the formation of an armed coalition against France, a coalition which was immediately precipitated by the treatment meted out to the King.

75. The First Propagandist Decree

19 November, 1792

SOURCE: *Moniteur*, 20 November, 1792, Rep., v. 14, p. 517. See also: A. P., v. 53, p. 474; Martens, v. 5, p. 365; C. and G., p. 303 [gives date as 18 November];

Helie, p. 346.

This and the following decree mark a turning point in the history of the Revolution. Henceforth it was to appear as an armed crusade on behalf of peoples who wished to overturn their existing regimes. It resulted in alarming still further the heads of the

several European states. Students will recognize the same sentiments used by modern totalitarian powers in summoning people to free themselves from their “oppressors.” Another decree of the same day provided for the printing and proclaiming of this document in the languages of all countries into which French armies might march.

*** * ***

The National Convention declares, in the name of the French nation, that it will grant fraternity and aid to all peoples who wish to recover their liberty; and it charges the executive power with giving the generals the orders necessary for bringing aid to such peoples and for defending citizens who have been, or who might be, harassed for the cause of liberty.

76. The Second Propagandist Decree

15 December, 1792

SOURCE: Duvergier, v. 5, pp. 82-84 [gives date as 15-17 December]. See also:

A. P., v. 55, pp. 72-73; B. and R., v. 21, pp. 351-353 [omits preamble]; Martens, v. 5, pp. 365-368.

REFERENCE: Supplementary decree of 31 January, 1793, concerning the conduct of French generals in enemy territory [Duvergier, v. 5, pp. 130-131].

The immediate occasion for this decree was Belgian opposition to outright annexation by France. The document represents a practical modification of the idealism of the First Propagandist Decree, and

indicates Montagnard rather than Girondin policy. Within a short time the principles here enunciated were applied to much of the annexed territory.

*** * ***

The National Convention, having heard the report of its combined Committees of Finance, War, and Diplomacy; faithful to the principles of the sovereignty of the people, which do not permit it to recognize any institutions detrimental thereto, and wishing to establish the rules to be followed by the generals of the armies of the Republic in territories where they bear arms, decrees:

1. In territories which are or may be occupied by the armies of the Republic, the generals shall proclaim immediately, in the name of the French nation, the sovereignty of the people, the suppression of all established authorities and of existing imposts or taxes, the abolition of the tithe, of feudalism, of seigneurial rights, both feudal and *censuel*, fixed or contingent, of *banalites*, of real and personal servitude, of hunting and fishing privileges, of *corvees*, of nobility, and generally of all privileges.

2. They shall announce to the people that they bring it peace, aid, fraternity, liberty, and equality, and they shall convoke it thereafter in primary or communal assemblies, in order to create and organize a provisional administration and justice; they shall supervise the security of persons and property; they shall have the present decree and the proclamation annexed thereto printed in the language or idiom of the territory and posted and executed without delay in every commune.

3. All agents and civil or military officials of the former government, as well as individuals heretofore considered noble, or members of any corporation heretofore privileged, shall be, for this time only, inadmissible to vote in the primary or communal assemblies, and they may not be elected to positions in the provisional administration or judiciary.⁵

4. The generals shall place, consecutively, under the safeguard and protection of the French Republic all real and personal property belonging to the public treasury, to the prince, his abettors, adherents, and voluntary satellites, to public establishments, and to lay and ecclesiastical bodies and communities; they shall have a detailed statement thereof drafted promptly and dispatched to the Executive Council, and they shall take all measures within their power in order that such properties be respected.

5. The provisional administration, elected by the people, shall be responsible for the surveillance and administration of matters placed under the safeguard and protection of the French Republic; it shall supervise the security of persons and property; it shall have the laws now in force relative to the trial of civil and criminal suits, to the police, and to public security put into effect; it shall be in charge of regulating and paying local expenses and those necessary for the s This article was abrogated by a decree of 22 December, 1792. common defence; it may institute taxes, provided, however, that they are not borne by the indigent and hard-working portion of the population.

6. As soon as the provisional administration has been organized, the National Convention shall appoint commissioners from within its own body to go to fraternize with it.

7. The Executive Council also shall appoint national commissioners who shall go, consecutively, to the places, to consult the generals and the provisional administration elected by the people concerning measures to be taken for the common defence and concerning the means to be employed to procure the clothing and provisions necessary for the armies, and to pay their [i.e., the armies'] expenses during their sojourn on its territory.

8. The national commissioners appointed by the Executive Council shall render it a fortnightly account of their activities. The Executive Council shall approve, modify, or reject same, and, in turn, shall render account thereof to the Convention.

9. The provisional administration elected by the people, and the functions of the national commissioners shall terminate as soon as the inhabitants, after having declared the sovereignty and independence of the people, liberty, and equality, have organized a form of free and popular government.

10. A statement shall be made of the expenses which the French Republic has incurred for the common defence, and of the sums which it may have received, and the French nation shall make arrangements with the established government for whatever is due; and, in case the common interest requires the troops of the

Republic to remain upon foreign territory beyond that time, it shall take suitable measures to provide for their maintenance.

11. The French nation declares that it will treat as an enemy of the people anyone who, refusing liberty and equality, or renouncing them, might wish to preserve, recall, or treat with the prince and the privileged castes; it promises and engages itself not to subscribe to any treaty, and not to lay down its arms until after the establishment of the sovereignty and independence of the people upon whose territory the troops of the Republic have entered, who shall have adopted the principles of equality and established a free and popular government.

12. The Executive Council shall dispatch the present decree by special messengers to all generals, and shall take the necessary measures for assuring its execution.

The French People to the People.

Brothers and friends, we have gained liberty and we shall maintain it. We offer to help you enjoy this inestimable good which has always belonged to us, and of which our oppressors have not been able to deprive us without crime.

We have expelled your tyrants: show yourselves free men, and we will guarantee you from their vengeance, their designs, and their return.

Henceforth the French nation proclaims the sovereignty of the people, the suppression of all civil and military authorities which have governed you up

to the present, and of all taxes which you sustain, in whatever form they exist; the abolition of the tithe, of feudalism, of seigneurial rights, both feudal and *censuel*, fixed or contingent, of *banalites*, of real and personal servitude, of hunting and fishing privileges, of *corvees*, of the *gabelle*, of tolls, of *octrois*, and generally of every species of contributions with which you have been burdened by your usurpers; it proclaims also the abolition among you of every corporation, noble, sacerdotal, and others, of all prerogatives and privileges that are contrary to equality. You are henceforth, brothers and friends, all citizens, all equal in rights, and all equally summoned to govern, to serve, and to defend your *Patrie*.

Assemble immediately in primary or communal assemblies, hasten to establish your provisional administrations and courts, conforming therein to the provisions of article 3 of the above decree. The agents of the French Republic will consult you in order to assure your welfare and the fraternity which is to exist henceforth between us.

II. THE TRIAL AND EXECUTION OF THE KING

The monarchy as an institution had been disposed of, but its personal representatives, the King and the Queen, remained prisoners in the Temple Tower. If Louis were liberated he would only continue his counter-revolutionary activities. or he might become the center of similar movements on the part of others. Public opinion appeared to favor some sort of punishment. The nature of the penalty remained for the Convention to decide, and efforts to arrive at such decision added further fury to the Girondin-

Jacobin conflict. The Girondins played a temporizing game, while the Jacobins demanded the penalty of death. The Convention constituted itself a court to try “Louis Capet,” and on 3 December, Louis was formally arraigned before that body.

The ensuing trial might have been obviated had there not been discovered in the royal apartments in the Tuileries a secret cupboard containing incriminating documents. These afforded definite proof of Louis’ counter-revolutionary doings, and rendered condemnation almost a certainty. On 6 December, a commission was appointed to draft an indictment, which was finished and read to Louis before the Convention five days later (77).

Finally, on 14 January, three questions were submitted to the Convention. To the first, “Is Louis Capet guilty of conspiracy against public liberty and of attacks upon the general security of the State?,” which was voted on the following day, the deputies present agreed almost unanimously. On 15 January, the second question, “Will the judgment of the National Convention against Louis be submitted for popular ratification?,” was negatived by a substantial majority. There still remained the third question, “What penalty shall be inflicted?” This was voted in the session of 16-17 January, a dramatic session lasting twenty-four hours, and during which the deputies cast their votes, as before, individually and by word of mouth. The final result was a majority in favor of the death penalty.⁶

On 20 January the Convention decreed the condemnation of the King. On the following day, amidst the roll of drums and shouts of “Vive la

nation,” Louis expiated his “crimes” under the revolutionary blade of steel. Three days later the Convention issued its official statement on the matter (78). And on 24 January the British Government ordered the French Ambassador out of the country (79)—the first in a series of responses to the actions of the Convention, which, ere long, was to culminate in the formation of an armed European coalition against France.

⁶ For many years students of the French Revolution were inclined to accept a version of this voting whereby the decision was* made by the dramatic casting of *one* vote! The actual figures are as follows:

Apparently earlier historians had included the 26 who qualified their votes among those who were opposed, and such a reckoning would leave 361 for execution and 360 against.

It should be noted that, according to the Criminal Code [Duvergier, v. 3, pp.

352 ff.], each charge of the indictment should have been voted upon separately instead of the indictment as a whole.

As a final point of interest in this connection, Sorel [v. 3, pp. 264-270] shows that of the “regicides” 34 died on the scaffold, 21 by violence, 28 of natural causes; and of the remainder, 127 took office under Napoleon.

77. The Indictment of Louis XVI

11 December, 1792

SOURCE: Duvergier, v. 5, pp. 74-76. See also: A. P., v. 55, pp. 3-5; *Moniteur*, 13 December, 1792, Rep, v. 14, pp. 720-723; B. and R, v. 21, pp. 287-298.

The document indicting Louis XVI shows that the trial was no ordinary one that the King was being judged for treason. The indictment provides a good opportunity for historical criticism in the analysis of the validity of the charges against Louis—most of which he denied and the rest of which he blamed on somebody else. Only a few of the most significant references have been documented; and, as in some of the other documents in this book, explanations of names and places and people are given in the Index-Glossary.

*** * ***

Louis, the French people accuses you of having committed a multitude of crimes in order to establish your tyranny by destroying its liberty.

1. On 20 June, 1789, you attacked the sovereignty of the people by suspending the assemblies of its representatives and by driving them by violence from the place of their sessions. Proof thereof exists in the *proces-verbal* drafted at the Tennis Court of Versailles by the members of the Constituent Assembly.^{[4](#)}

2. On 23 June you wished to dictate laws to the nation; you surrounded its representatives with troops; you presented them with two royal declarations, subversive of every liberty, and you ordered them to separate. Your declarations and the

minutes of the Assembly establish these outrages undeniably.⁵

3. You caused an army to march against the citizens of Paris; your satellites caused their blood to flow, and you withdrew this army only when the capture of the Bastille and the general insurrection apprised you that the people were victorious. The discourses that you gave on 9, 12, and 14 July to divers deputations from the Constituent Assembly indicated your intentions, and the massacres of the Tuileries stood as evidence against you.⁶

4. After said events, and in spite of the promises you made on the 15th in the Constituent Assembly, and on the 17th at the Paris City Hall, ⁷ you persisted in your designs against national liberty. For a

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long time you evaded executing the decrees of 11 August concerning the abolition of personal servitude, the feudal regime, and the tithe. For a long time you refused to acknowledge the Declaration of the Rights of Man. You doubled the number of your bodyguards and summoned the Flanders Regiment to Versailles. In orgies held before your very eyes you permitted the national cockade to be trampled under foot, the white cockade to be raised, and the nation blasphemed; finally, you occasioned a new insurrection, caused the death of several citizens, and only after the defeat of your guards did you change your language and renew your perfidious promises. The proofs of these facts are present in

your observations of 18 September on the decrees of 11 August, in the minutes of the Constituent Assembly, in the events of 5 and 6 October at Versailles, and in the discourse that you gave on the same day to a deputation from the Constituent Assembly, when you told it that you wished to enlighten its counsels and never to separate yourself from it.¹¹

5. At the federation of 14 July you took an oath which you have not kept. Soon you attempted to corrupt the public mind with the aid of Talon, who acted in Paris, and of Mirabeau, who was to impart a counter-revolutionary movement to the provinces. You disbursed millions to accomplish such corruption, and you even wished to make popularity a means of enslaving the people. These facts derive from a memoir of Talon, postscripted by your own hand, and from a letter written to you by Laporte on 19 April, and in which, reporting a conversation that he had had with Rivarol, he told you that the millions pledged to you for distribution had produced nothing.

6. For a long time you contemplated flight: on 23 February a memoir was sent to you indicating the means therefor, and you approved it. On the 28th a multitude of nobles and officers distributed themselves throughout your apartments at the Tuileries Palace to facilitate such flight. On 18 April you wished to leave Paris to go to St. Cloud, but the resistance of the citizens showed you that opposition was great; you sought to dissipate it by communicating to the Constituent Assembly a letter that you were sending to the agents of the nation in foreign countries, to announce to them that you

had freely accepted the constitutional articles presented to you,¹² but on 21 June you made your escape with a false passport; you left a declaration against those same constitutional articles; you ordered the ministers not to sign any documents emanating from the National

¹¹ For the items referred to in this article see A. P., v. 9, pp. 28 ff. and pp. 342 ff.

¹² See document 36, *supra*.

Assembly, and you forbade the Minister of Justice to deliver the Seals of State.⁸ The people's money was wasted in achieving the success of this treason, and the public force was to protect it under the orders of Bouille, who but lately had been charged with directing the massacre of Nancy, and to whom you had written concerning that event to attest to his popularity because he might be useful to you. These facts are proven by the memoir of 23 February, postscripted in your own hand; by your declaration of 20 June, entirely in your handwriting; by your letter of 24 September, 1790, to Bouille, and by a note from him in which he gave you an accounting of the use of

983,000 *livres* provided by you and employed in part in the corrupting of the troops which were to be your escort.

7. After your arrest at Varennes, the exercise of the executive power was for a time taken from your hands; and still you conspired. On 17 July the blood of citizens was shed at the Champ-de-Mars. A letter in your handwriting, written in 1790 to Lafayette,

proves that a criminal coalition existed between you and him, and that Mirabeau had acceded thereto. Revision began under these cruel auspices; all kinds of corruption were employed. You paid for libels, pamphlets, newspapers intended to pervert public opinion, to discredit the *assignats*, and to uphold the cause of the *emigres*. The registers of Septeuil show that enormous sums were spent in these liberticide stratagems.

On 14 September you apparently accepted the Constitution;⁹ your speeches announced a desire to maintain it, and you worked to overthrow it before it even was achieved.

8. An agreement was made at Pillnitz, on 24 July, between Leopold of Austria and Frederick William of Brandenburg, who pledged themselves to restore to France the throne of the absolute monarchy;¹⁰ and you were silent on that agreement up to the time when it was

known to all Europe.

9. Arles raised the standard of revolt; you favored it by sending three civil commissioners, who concerned themselves, not with repressing the counter-revolutionaries, but with justifying their attacks.

10. Avignon and the Comtat Venaissin were joined to France;¹¹ and you did not have the decree executed until a month had elapsed, and during that time civil war desolated that territory. The commissioners you successively sent there completed the work of devastation.

11. Nimes, Montauban, and Jales experienced great disturbances from the first days of liberty; you did nothing to stifle this germ of counter-revolution, up to the time when the conspiracy of Dussailant manifested itself.

12. You sent twenty-two battalions against the people of Marseilles who were marching to subdue the counter-revolutionaries of Arles.

13. You gave the command of the South to Wittgenstein, who wrote to you on 21 April, 1792, after he had been recalled: "A little more time, and I would have recalled forever about Your Majesty's throne thousands of Frenchmen who have again become worthy of the vows you are making for their welfare." •

14. You paid your former bodyguards at Coblenz; the registers of Septeuil stand proof thereof, and several orders signed by you show that you had considerable sums passed on to Bouille, Rochefort, La Vauguyon, Choiseul-Beaupre, Hamilton, and Mme. Polignac.

15. Your brothers, enemies of the state, have rallied the *emigres* under their colors; they have raised regiments, borrowed money, and contracted alliances in your name; you disavowed them only when you were quite certain that you could not harm their plans. Your understanding with them is proved by a letter written in the handwriting of Louis-Stanislas-Xavier, signed by your two brothers, and worded as follows:

“I wrote to you, but it was by post and I could say nothing. We are here two persons acting as one, with the same sentiments, the same principles, the same ardor to serve you. We are maintaining silence; but that is because, by breaking it too soon, we might compromise you; but we shall speak as soon as we are sure of general support, and that moment is near. If we are addressed on the part of those people, we shall listen to nothing; if it is on your behalf, we shall heed; but we shall go straight along our way; so, if they want you to make us say something, do not worry. Be at ease about your safety; we live only to serve you; we are working ardently for that purpose, and all is going well; even our enemies take too great an interest in your preservation to commit a useless crime which would complete their destruction. Farewell. L.-S.-Xavier and Charles-Philippe.”

16. The army of the line, which should have been brought to a war footing, was only 100,000 strong at the end of December; you thus neglected to provide for the external security of the State. Narbonne, your agent, requested a levy of 50,000 men; but he stopped the recruiting at 26,000, giving assurance that everything was ready²⁷ Nothing, however, was ready. After him, Servan proposed the formation of a camp of 20,000 men in the vicinity of Paris; the Legislative Assembly so decreed;¹⁸ you refused your sanction. An outburst of enthusiasm caused citizens to set out from all sides for Paris; you issued a proclamation which tended to stop them. However, our armies were lacking in soldiers; Dumouriez, Servan’s successor, declared that the nation had neither arms, munitions, nor provisions, and that the positions were not defensible.

17. You issued an order to the commanders of the troops to disorganize the army, to drive entire regiments to desertion, and to have them cross the Rhine in order to place them at the disposal of your brothers and Leopold of Austria; this fact is proved by a letter from Toulangeon, commander of Franche-Comte.

18. You charged your diplomatic agents with favoring the coalition of foreign powers and your brothers against France; and particularly to strengthen peace between Turkey and Austria, in order to excuse the latter from supplying its frontiers on the Turkish boundary and thereby to procure for it a greater number of troops against France. A letter from Choiseul-Gouffier, former ambassador to Constantinople, establishes this fact.

19. You waited to be actuated by a requisition made to Minister Lajard, whom the Legislative Assembly was asking to indicate his means of providing for the external security of the State, before proposing by a message the levy of forty-two battalions.

20. The Prussians were advancing on our frontiers. Your minister was called upon, on 8 July, to give an account of the state of our political relations with Prussia; on the 10th you replied that 50,000 Prussians were marching against us, and that you were advising the Legislative Body officially of these imminent hostilities, as required by the Constitution.

21. You entrusted the Department of War to Dabancourt, nephew of Calonne; and such was the

success of your conspiracy, that the positions of Longwy and Verdun were surrendered as soon as the enemy appeared.

22. You destroyed our navy. Many officers of that body were *emigres*; hardly any remained to perform the service of the ports: however, Bertrand always granted passports; when the Legislative

¹⁷ See Chapter Four, Section II, *supra*, note 25.

¹⁸ See document 59, *supra*.

Body exposed his guilt to you, on 8 March, you replied that you were satisfied with his services.

23. You favored the maintenance of absolute government in the colonies; throughout them your agents fomented disorder and counterrevolution, which took place at the same time that it occurred in France, a sufficient indication that your hand conducted this plot.

24. The interior of the State was disturbed by fanatics, and you declared yourself their protector by manifesting the obvious intention of recovering your former power through them.

25. On 29 September the Legislative Body issued a decree against rebellious priests; you suspended the execution thereof.^{[12](#)}

26. Disturbances increased; the minister declared that, under existing laws, he knew of no means of prosecuting the guilty parties. The Legislative Body issued a new decree; you suspended its execution also.

27. The lack of patriotism on the part of the guards whom the Constitution had given you necessitated their disbanding. The next day you wrote them a letter of satisfaction; you continued to pay them. This fact is proved by the accounts of the treasurer of the Civil List.[13](#)

28. You kept the Swiss Guards with you; the Constitution forbade them, and the Legislative Assembly had expressly ordered their departure.

29. In Paris you had special companies charged with carrying on activities useful to your counter-revolutionary plans. D'Angremont and Gilles were two of your agents; they were on the payroll of the Civil List. The receipts of Gilles, charged with the organization of a company of sixty men, will be presented to you.

30. You tried to bribe, with considerable sums, several members of the Constituent and Legislative Assemblies; letters from Dufresne Saint-Leon and several others, which will be presented to you, establish this fact.

31. You allowed the French nation to be disgraced in Germany, in Italy, and in Spain, since you did nothing to exact reparation for the ill treatment which the French experienced in those countries.

32. On 10 August you reviewed the Swiss Guards at five o'clock in the morning; and the Swiss Guards fired first on the citizens.

33. You caused the blood of Frenchmen to flow.

7 8. Proclamation of the Convention to the French People

23 January, 1793

SOURCE: *Moniteur*, 29 January, 1793, Rep., v. 15, pp. 295-296. See also A P v. 57, pp. 604-605; B. and R., v. 23, pp. 349-355. ' **'

This proclamation constitutes at one and the same time an excuse for what had taken place and a propagandist appeal for continued support of the Revolution. The Lepelletier de Saint-Fargeau mentioned in the document was an esteemed member of the Convention who was assassinated by a royalist fanatic for having voted for the death of the King. And, just as the royalists were to exploit the memory of Louis XVI, so the “regicides” were to make capital of the martyrdom of Lepelletier.

*** * ***

Citizens, the tyrant is no more. For a long time the cries of the victims, whom war and domestic dissensions have spread over France and Europe, loudly protested his existence. He has paid his penalty, and only acclamations for the Republic and for liberty have been heard from the people.

We have had to combat inveterate prejudices, and the superstition of centuries concerning monarchy. Involuntary uncertainties and inevitable disturbances always accompany great changes and revolutions as profound as ours. This political crisis has suddenly surrounded us with contradictions and tumults.

. . . but the cause has ceased, and the motives have disappeared; respect for liberty of opinion must cause these tumultuous scenes to be forgotten; only the good which they have produced through the death of the tyrant and of tyranny now remains, and this judgment belongs in its entirety to each of us, just as it belongs to the entire nation. The National Convention and the French people are now to have only one mind, only one sentiment, that of liberty and civic fraternity.

Now, above all, we need peace in the interior of the Republic, and the most active surveillance of the domestic enemies of liberty. Never did circumstances more urgently require of all citizens the sacrifice of their passions and their personal opinions concerning the act of national justice which has just been effected. Today the French people can have no other passion than that for liberty.

Let us, through our union, avert the shame that domestic discord would bring upon our newborn republic. Let us, through our patriotism, avert those horrible shocks, those anarchical and disorderly movements which would soon overwhelm France with disturbances and grief, if our outside enemies, who are fomenting them, could profit therefrom.

There is no longer time to dispute; we must act. Prompt and effective measures are necessary. The despots of Europe can acquire strength only from our dissensions; they have learned in the Argonne and at Jemappes that one soldier of liberty is worth a hundred slaves.

Finally, may this cloud of royalism, which too long has hung over our heads, disappear; today it would be more fatal to the utilization of our great national resources than even the scourge of a universal war. May peace and obedience to laws reign in our cities and in our rural districts; this firm and calm attitude on the part of free men will make the tyrants turn pale, will increase the nation's forces a hundredfold, and will revive our confidence in the perilous duties which you have entrusted to us. May the agitators of the people see public order more strictly maintained, and laws more cherished when they are more attacked. At this time the City of Paris offers the other parts of the Republic a fine example; it is calm. Nevertheless, crime has not been entirely paralyzed in that immense city. An attack has just been made on the national sovereignty. One of your representatives *has been assassinated for voting the tyrant's death*, and his colleagues are still threatened by the vile henchmen of despotism. The lunatics! In their impious oaths they mistake the calm of the people for the slumber of liberty!

Citizens, it is not one man who has been struck, it is you; it is not *Michel Lepelletier* who has been shamefully assassinated, it is you too; it is not the life of a deputy that has been attacked, it is the life of the nation, it is public liberty, it is the sovereignty of the people.

French people, sensitive and generous despite the calumnies of your enemies, it is in contemplation of grief and indignation that your representatives transmit to you the mournful accents which have just resounded in the temple of liberty. "I am satisfied," said he, expiring, "to have given my life

for my country. I hope that it will serve to consolidate liberty and equality, and to cause their enemies to be discovered.”

The French will always remember that the defender of liberty died under the murderous sword of a royalist, on the eve of the day when the tyrant was to expiate his forfeit under the blade of the law, and monarchy will be the more firmly abolished. Free men will repeat to their last descendants that, at the time when slaves and superstitious people were expressing regrets for a tyrant, secretly they were rejoicing at the assassination of a representative of the people; and aristocracy will be the more abhorred.

Such are the sentiments which actuate your representatives; they will triumph over all obstacles and all crimes as they have triumphed over so many prejudices. They are concerned with the security of the Republic; they know the causes of the destitution of the armies, and the prompt means of remedying it. The stability of the public wealth is a constant object of their labors. Fidelity to agreements rests on French loyalty; they will strengthen this basis of national credit; since 21 September they have calmly appraised the extent and the importance of the duties which you have assigned to them, and they will never betray them. Public liberty will be maintained at the peril of their lives, and cowardly conspirators will learn to know the courage of the delegates of the people. We have already taken measures for the prompt punishment of the crime of *lese-nation*; the inexorable law will soon strike the parricide and furnish a new example to the slaves of kings.

We are threatened with a general war; attempts are made to disseminate terror throughout the Republic. Citizens, you have already said: "To bring back monarchical servitude to French territory the entire nation would have to be destroyed; it is necessary to surrender all claims to its conquest or expect to reign over ruins and deserts."

We have no allies in the courts of Europe; but it is up to free nations to save themselves. A war waged slowly and parsimoniously would be uncertain and ruinous. Liberty wages only short and terrible wars, and liberty counts only victories. Stand before an astonished Europe. To sustain your armies and your fleets you have a security, still tremendous, in the national territory; your enemies have only loans and precarious riches. The resources of a great and free nation are inexhaustible; the means of absolute governments are soon exhausted. Let the entire nation arise again, and these colossi used by despotism will soon collapse.

It is all of you, citizens, who have contracted the obligation, for yourselves and for your posterity, to maintain and defend the rights of man. It is for you, for your sacred liberty that your representatives have sacrificed peace, and are braving death every day. Has not the passion of Frenchmen for independence and for laws rendered all our successes easy up to now? Has it not suddenly peopled the land with those national phalanxes, those patriotic legions, which have brought triumphs everywhere from the Alps to the banks of the Rhine, and which victory awaits even in the Pyrenees and on the seas?

Already, at the rumor of hostilities contemplated obscurely by the Spanish and English governments, a generous emulation is manifested everywhere; ports and maritime cities are about to solicit the honor of deserving well of their *Patrie* by offering it the use of their vessels; and all their sailors will be eager to defend the flag of liberty. The greatest examples come from the shores of the Mediterranean and the Ocean; French commerce, which perceives the advantage of an energetic war, awaits you with riches which it has accumulated in prosperous times; and its vessels, recently occupied in the peaceful enterprises of industry, are about to be armed for the terrible operations of war.

Who, then, is the citizen who would not wish to co-operate with us in the defence of the Republic? Here is the cause of all Frenchmen, the cause of mankind.

Attending the funeral of Michel Lepelletier, we all swore on the tomb of that martyr to republican opinion to save the *Patrie*, and the *Patrie* shall be saved. ... we have just solemnly promised the Republic to give it, within a few days, a constitution founded upon the imprescriptible rights of man, a constitution as free as the people, as equal as justice, as wise as reason, and one which will include all the means of remedying its imperfections through the medium of experience.

No, it is no longer possible to set limits to the prosperity and the great destiny of France, now that anarchy will be suppressed everywhere, now that the enemies of order will be combated everywhere, now that respect for the laws will be maintained by the constituted authorities, now that

the patriotism of the armies will be equalled by that of the squadrons, now that the representatives of the people will no longer see in the agreement of their wills anything but fidelity to their mandates.

No, the Republic will never lack defenders; if in Rome a friend of Caesar succeeded in arousing the people by waving before them the bloody robes of a tyrant, what may the National Convention not expect for the defence of the *Patrie* by uncovering before the French people the mortal and bleeding wound of one of its representatives?

Citizens . . . remember the heroic firmness of Michel Lepelletier in his last moment; bear in mind that there is not one of your representatives who is not determined to follow his example.

Signed, VERGNIAUD, President.

7 S

BANCAL, GORSAS, SALLE, LESAGE, DUFRICHE-VALAZE,

Secretaries.



79. Letter from Grenville to Chauvelin

24 January, 1793

SOURCE: Cobbett, William, ed., *The Parliamentary History of England from the*

Earliest Period to the Year 1803, 36 v. (London, 1806-1820), v. 30, p. 270. See also: Debrett, John, ed., *A Collection of State Papers relative to the War against France now Carrying on by Great Britain and Several Other European Powers*, 7 v. (London, 1794-1799), v. 1, pp. 245-246.

Lord Gower, British Ambassador to France, had been recalled following the events of 10 August, 1792, and had not been replaced. Meanwhile, Chauvelin, French Ambassador to Britain, had remained in London, but without “official” recognition. Now, however, upon receipt of the news of the execution of Louis XVI, even the privilege of *staying* in England was withdrawn. On 24 January, Baron Grenville, Secretary of State for Foreign Affairs, communicated the accompanying letter to Chauvelin. The candid tone of the document, a departure from the customary urbanity of diplomatic phraseology, speaks for itself. It is interesting to note, however, the aggrieved attitude assumed by a government which seemed to have forgotten that the English had provided a precedent in the matter of decapitating sovereigns.

* * *

I am charged to notify you, Sir, that the character with which you have been invested at this Court, and the functions of which have been so long suspended, being now entirely terminated, by the fatal death of His late Most Christian Majesty, you have no more any public character here. The King can no longer, after such an event, permit your residence here. His Majesty has thought fit to order, that you should retire from this kingdom within the term of eight

days; and I herewith transmit to you a copy of the order which His Majesty, in his Privy Council, has given to this effect. I send you a passport for yourself and your suite; and I shall not fail to take all the other necessary steps, in order that you may return to France, with all the attentions which are due to the character of minister plenipotentiary from His Most Christian Majesty, which you have exercised at this Court. I have the honor to be, &c.

GRENVILLE

III. THE FIRST COALITION; FRENCH MILITARY REVERSES

The relations of France with other states had been profoundly, and adversely, affected by the overthrow of the monarchy, the September massacres, and the creation of the Republic. To these was now added the Convention's annexationist policy, which alarmed Britain in particular. The British could not permit control of the Low Countries by any major continental state which might threaten her mercantile supremacy through North Sea ports and channels of communication with the interior of Europe.

Pitt opened negotiations with Austria and Prussia, repressive measures were enacted against liberals, aliens were subjected to surveillance, and the fear that Ireland might respond to the propagandist overtures of France lay heavy on the hearts of many Britons. To eighteenth-century Englishmen, especially of the conservative variety, Jacobinism appeared as deadly a virus as communism has been to their twentieth-century counterparts. And what

was true of England was even more true of the states of the continent. More and more they were coming to feel that they should unite to crush the “monster”; and England, because she was now directly affected, led the way in organizing the opposition.

By the opening of 1793 war on a large scale appeared imminent, and the execution of Louis XVI precipitated it. Already, in view of the impending Spring campaign with Austria and Prussia, France had provided for a Committee of General Defence (80). The expulsion of Chauvelin brought the final break between England and France, and on 1 February, 1793, the Convention declared war on England and Holland (81).

Any extension of the war was obviously a grave error. France not only was unable to obtain allies, but very shortly the number of her enemies increased considerably. The Empire was not to join until 1794, and Russia continued to observe a hostile neutrality; but by the end of the year England had managed to conclude treaties with Austria, Prussia, Sardinia, and Holland, and the First Coalition against the Revolution was a fact.²¹ Threatened on all sides, the French took speedy measures to defend their State. The first of such measures was a special military levy (82). And on 1 March, 1793, the Convention took the logical precaution of annulling all treaties with enemy states.

From the beginning the coalition enjoyed success. Dumouriez, the Convention’s outstanding general, disgusted, and defeated at Neerwinden and Mae-

²¹ Meanwhile France had declared war on Spain, a fact which gave England a special advantage in the Mediterranean. stricht, 18 and 21 March, by the Austrians, deserted his command; and the Austrian and Prussian forces continued to advance. Combined with economic distress, these reverses weakened the position of the Girondins, and, faced with increasing counter-revolution, the Convention resorted to emergency measures.

80. Decree concerning the Formation of a Committee of General Defence

1 January, 1793

SOURCE: A. P., v. 56, p. 117. SEE ALSO: C. AND G., p. 66. [Cf. *Moniteur*, 3

January, 1793, Rep., v. 15, p. 26.]

REFERENCE: Stephens, *French Revolution*, v. 2, App. VII.

The Committee established by this decree was the forerunner of the famous Committee of Public Safety. It was reorganized in March, 1793, and its membership increased from twenty-one to twenty-four. The reconstructed committee was chosen by the Convention as a whole, and not by its committees as provided in this document; and it was invested with what amounted to complete executive power in both domestic and foreign affairs. Whereas the first committee included only a few prominent personages, e.g., Brissot, Sieyes, and Barere, the second committee comprised, in addition to Sieyes and Barere, Buzot, Cambaceres, Condorcet, Danton,

Desmoulins, Guadet, Petion, Robespierre, and Verginaud.

*** * ***

The Committees on War, Finance, Colonies, the Navy, Diplomacy, the Constitution, and Commerce shall name three of their members each, who shall assemble in a special place, under the name of *Committee of General Defence*. Said Committee, with the ministers, shall occupy itself uninterruptedly with the measures which the next campaign and the present state of affairs require; and when it needs permission to speak in order to make a report, the President may not refuse it.

81. French Declaration of War on England and Holland

1 February, 1793

SOURCE: Duvergier, v. 5, pp. 134-135. See also: A. P., v* 58, PP- H8 119,

***Moniteur*, 3 February, 1793, Rep., v. 15, pp. 335-336; B. and R., v. 24, pp. 204-207.**

The alleged causes of the war should be compared with the facts of the case. The declaration opened a new phase of the Franco-European conflict, and was a factor in producing the first of a long series of armed coalitions against revolutionary France. It is noteworthy that orders for the invasion of Holland had been issued to Dumouriez on the previous day!

*** * ***

The National Convention, having heard the report of its Committee of General Defence concerning the conduct of the English government towards France;

Considering that the King of England has not ceased to give the French nation proofs of his malevolence and of his attachment to the coalition of crowned heads, particularly since the revolution of 10 August, 1792;

That at that time he ordered his ambassador at Paris to withdraw, because he did not wish to recognize the provisional Executive Council created by the Legislative Assembly;

That, at the same time, the cabinet of Saint James discontinued its correspondence with the French ambassador in London, under pretext of the suspension of the former king of the French;

That, since the opening of the National Convention, it has not wished to resume its customary correspondence or to recognize the powers of that Convention;

That it has refused to acknowledge the ambassador of the French Republic, although he was provided with credentials in its name;

That it has sought to thwart the divers purchases of grains, arms, and other merchandise ordered in England, either by French citizens or by agents of the French Republic;

That it has had several barges and vessels, which were laden with grain for France, delayed while, contrary to the tenor of the Treaty of 1786,²² the

exportation thereof continued to other foreign countries.

That, in order to thwart still more effectively the commercial activities of the Republic in England, it has had the circulation of *assignats* prohibited by an act of Parliament;

That in violation of article 4 of the Treaty of 1786,²³ it has caused the same Parliament to render, in the course of the month of January last, an act subjecting all French citizens going to or residing in England, to treatment most inquisitorial, most vexatious, and most dangerous to their security;

²²**The commercial Treaty of Eden, 26 September, 1786 [Clercq, v. 1, pp. 146-165],**

²³ **See note 22, *supra*.**

That, at the same time, and contrary to the tenor of article 1 of the treaty of peace of 1783,¹⁴ it has granted open protection and financial relief to the *emigres*, and even to the leaders of the rebels who have already fought against France; that it maintains with them a daily correspondence which is obviously directed against the French Revolution;

That it welcomes, likewise, the leaders of the rebels in the French western colonies;

That, in the same spirit, without any provocation's having been given it, and when all the maritime powers are at peace with England, the cabinet of Saint James has ordered a considerable armament by sea and an augmentation of its land forces;

That such armament has been ordered at a time when the English ministry was persecuting with fury those who were supporting the principles of the French Revolution in England, and was employing every possible means, both inside and outside Parliament, of heaping ignominy upon the French Republic and of inspiring against it the execration of the English nation and of all Europe;

That the object of such armament, destined against France, has not even been disguised in the Parliament of England;

That, although the provisional Executive Council of France has employed every means of preserving peace and fraternity with the English nation, and has answered the calumnies and the violations of treaties only by protests founded upon the principles of justice and expressed with the dignity of free men, the English ministry has persevered in its system of malevolence and hostility, has proceeded with the armaments, and has dispatched a squadron towards the Scheldt to disturb the operations of France in Belgium;

That at the news of the execution of *Louis*, it carried outrage towards the French Republic to the point of ordering the French ambassador to leave the territory of Great Britain within a week;^{[15](#)}

That the King of England has manifested his attachment to the cause of that traitor, and his intention of supporting it, by divers resolutions taken at the moment of his death, either by appointing generals in his army or by asking the

Parliament of England for a considerable addition of land and sea forces, and by ordering the equipment of gunboats;

That his secret coalition with the enemies of France, and especially with the Emperor and Prussia, has just been confirmed by a treaty negotiated with the former in the month of January last;[16](#)

That he has drawn into the same coalition the Stadtholder of the United Provinces; that that prince, whose servile devotion to the orders of the cabinet of Saint James and of Berlin is only too notorious, has, during the course of the French Revolution, and in spite of the neutrality which he avowed, treated the agents of France with contempt, welcomed the *emigres*, harassed French patriots, thwarted their activities, and, in spite of established customs and the request of the French minister, has liberated counterfeiters of *assignats*,

That recently, in order to concur in the hostile designs of the Court of London, he has ordered a naval armament, appointed an admiral, commanded some Dutch vessels to join the English squadron, floated a loan to subsidize the expenses of the war and to prevent exportations for France, while he was aiding the provisioning of the Prussian and Austrian warehouses;

Considering, lastly, that all these circumstances leave the French Republic no longer any hope of obtaining the redress of its grievances by means of amicable negotiations, and that all the acts of the British court and of the Stadtholder are acts of hostility and equivalent to a declaration of war;

The National Convention decrees as follows:

- 1. The National Convention declares, in the name of the French nation, that, in consideration of all the aforementioned acts of hostility and aggression, the French Republic is at war with the King of England and the Stadtholder of the United Provinces.**
- 2. The National Convention charges the provisional Executive Council with deploying the forces it deems necessary for repelling their aggression and for upholding the independence, dignity, and interests of the Republic.**
- 3. The National Convention authorizes the provisional Executive Council to dispose the naval forces of the Republic as the safety of the State appears to require; it revokes all special provisions ordered in this respect by previous decrees.**

82. Decree for a Levy of 300,000 Men

24 February, 1793

SOURCE: Duvergier, v. 5, pp. 169-172 [lacks tables]. See also: A. P., v. 59 pp. 141-146 [has tables, but lacks additional articles]; *Moniteur*, 26 February 1793' Rep., v. 15, pp. 550-552. ' '

This special military levy was the forerunner of the famous "levy *en masse*."²⁷ It was the preliminary step in the development of a scheme of national conscription which was to be perfected in the later days of the Revolution and under Bonaparte, and which was to be adopted subsequently by all major European states as the basis of their military organization. For the most part the levy was

successful, although it occasioned rebellious opposition on the part of many Catholic peasants.

1. All French citizens from the age of eighteen to fully forty years, unmarried or widowers without children, are in a state of permanent requisition until the date of completion of the effective recruiting of the newly levied 300,000 men hereinafter decreed.

2. The Executive Council and the generals of the armies of the Republic may requisition the said citizens; the generals shall render account to the Executive Council, and the Executive Council to the Convention, of the number of those who have been requisitioned, and of the departments on which the various requisitions have been made.

TITLE I

CONCERNING A LEVY OF 300,000 MEN AND THE METHOD

TO BE USED IN EFFECTING SAME

1. The National Convention summons 300,000 men, who shall join the armies of the Republic as soon as possible.

2. The division of citizens who are to serve shall be made in the following manner.

3. To the number of 300,000 men who are to be raised shall be added the number of men enrolled for the navy plus the number of national volunteers presumed to be with the colors, who shall be estimated at 250 per battalion; the total number

resulting from this operation shall be divided among the departments in proportion to their population.

²⁷ See document 97, *infra*.

4. The number of men enrolled up to 50,000, plus the number of 250 men for each battalion furnished by the several departments, shall be deducted from the corresponding number for each department. The remainder shall constitute the number of citizens to be raised in each and every department, in conformity with the table annexed hereto.²⁸

5. In the maritime departments, or in those which furnish the service with ratings, consideration shall be given likewise to the number of men who are enrolled in the service of vessels of the Republic.

6. Within twenty-four hours after the receipt of the law, the departmental directories shall apportion the men to be furnished by the districts of their jurisdiction; and the district directories [those to be furnished] by the communes of their *arrondissement*, within the same time.

7. In such apportioning, the administrative bodies shall take into consideration the number of men already furnished, either by districts or by communes, even though said same men are at that moment in the armies of the Republic.

8. The departmental directory shall send one commissioner for each district, and shall require each district to send one for each canton, to observe and supervise, in the several communes, the activities connected with the levy.

9. As soon as the municipal officials have received the statement of the men whom their commune is to furnish, they shall give notice thereof to the citizens who are to be convoked for such purpose.

10. During the first three days following this first notification, a register shall be opened, in which those who wish to consecrate themselves to the defence of the *Patrie* shall have themselves enrolled voluntarily.

11. In the event that the voluntary enrolment does not yield the number of men requested from each commune, the citizens shall be required to complete it at once; and for such purpose they shall adopt, by plurality of votes, the method which they find most suitable.

12. Whatever method is adopted by the assembled citizens to complete their quota, the complement shall be taken only from among bachelors and widowers, without children, between the ages of eighteen and forty years inclusive.

13. The municipal officials, after giving notice to the assembled citizens of the number of volunteers that their commune is to furnish, shall have the articles of the present decree read, as well as those of the decree relating to the pensions, retirement grants, and bonuses

²⁸ See A. P., v. 59, p. 146. which the defenders of the *Patrie* shall have a right to claim at the end of the war.²⁹

14. The departmental directories shall, without delay, have a sufficient number of copies reprinted of the part of these several decrees which relates to the above matters, in order to have them passed on to each municipality of their *arrondissement*.

15. Citizens who have provided substitutes at the time of previous levies shall participate with the other citizens in the present levy.

16. Any citizen summoned to march to the defence of the *Patrie*, in conformity with the provisions of the preceding articles, shall have the privilege of providing a substitute in the person of a citizen capable of bearing arms, at least eighteen years of age, and accepted by the general council of the commune.

17. Citizens who provide substitutes shall be required to arm, equip, and clothe at their expense the citizens who replace them, and they shall be responsible for them until they have been received into the corps to which they are assigned.

18. No citizen may excuse himself from appearing at the assembly which is convoked by virtue of the present law.

19. Citizens who, under whatever pretext, do not appear thereat, shall not be exempted from co-operating with the others according to the plan adopted by the assembly.

20. The following persons shall not be included in the general summons for the present levy, to wit:

1 st, Those whom physical defects render incapable of bearing arms; 2nd, administrators constituting the departmental and district directories; 3rd, *procureurs-generaux* and *procureurs-syndics*; 4th, general and district secretaries; 5th, mayors and municipal officials, and communal prosecutors; 6th, members of the civil and criminal courts, the clerk, the national commissioners, and justices of the peace; 7th, district tax collectors; 8th, receivers and directors of registries; 9th, workmen employ in the manufacture of arms and powder.

21. As soon as the number of citizens requested of each commune is complete, the names of the citizens who are to serve shall be proclaimed and inserted in the *proces-verbal* of the assembly, a certificate of which shall be delivered to each of them.

22. The municipal officials are required to present the citizens of their commune who are to serve, to the military agents whom the Minister of War shall send in conformity with what is 'hereinafter stated; the latter shall ascertain, according to custom, that they are

²⁰ Decree of 21-26 February, 1793 [Duvergier, v. 5, pp. 162-167]. capable of serving, shall record their description, and shall give a copy of everything, signed by one of them, to the municipal officials.

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TITLE II

CLOTHING, EQUIPMENT, ARMS, AND PROVISIONS

1. The sums necessary to clothe, equip, and arm the 300,000 citizens whose levy is ordered by Title I shall be placed at the disposal of the Minister of War.

2. The district tax collectors shall supply temporarily the funds necessary for the clothing, equipment, and arming of the citizens who are to serve.

3. The Minister of War shall be required to reimburse successively the advances made by each district tax collector for such purpose.

4. The municipalities, and, failing them, the district or departmental directories, shall be required, on their responsibility, to provide for the entire clothing of the said citizens, within a week from the day of the proclamation of the citizens who are to serve.

[In articles 5-7 provision is made whereby citizens who are not subject to the levy but who possess uniforms are to surrender them, and those who are subject and possess uniforms must use them; and in both cases the citizens are to be reimbursed by local authorities.]

9. The municipalities and the district and departmental directories are required to requisition immediately all the shoemakers of their domicile and *arrondissement* to work for the citizens who are to serve, until it is verified that they are taking with them two pairs of new shoes of the ordinary model, including the pair that they have on their feet.

10. A new hat shall be furnished immediately, by the municipalities or other administrations, to each citizen destined to leave, at the price of from six to seven *livres*, in conformity with the hat decreed for the troops.

11. The amounts allotted for the aforesaid several expenses shall be delivered to the municipal officials, upon the request they shall make therefor to the administrations immediately after the naming and reception of the citizens who are to serve.

12. In all cases the municipal officials or administrators shall be responsible for the effective use of the sums entrusted to them, and for the good quality of all supplies.

13. The municipal officials who are responsible for the clothing, equipment, etc. shall keep an exact account of the expenditures made for the purchase of materials and the cost of labor in all said several matters; and the general statement, signed by them, shall be sent to the departmental and district administrations, which, after examining and countersigning it, shall have it referred to the minister to serve as accounting data.

15. If in a commune there are guns which have been taken from the arsenals or schools of arms of the Republic, they shall be used for the arming of the citizens designated for service.

16. The municipal officials and officers of the National Guard are personally responsible for the immediate execution of the above article.

17. The departmental and district administrations, as well as the military agents, are, for such purpose, responsible for rendering account of the arms which each commune has received from the arsenals or schools of arms of the Republic, and for verifying the receipts which the municipal officials or officers of the National Guard have given to the artillery guards or other public agents.

18. In default of arms belonging to the Republic, the citizens of each commune shall be armed with war guns belonging to either the communes or individuals.

19. The communes or individuals that have supplied the citizens with arms shall be immediately reimbursed for their value, from the sums deposited for such purpose in the coffers of the tax collectors of the districts.

22. No commune or citizen may dispense with observance of article 15 of the present Title, or with declaring the guns in their possession, under penalty of confiscation of the arms which they have not declared, and of a fine of triple the value of a standard gun, namely

126 *livres*.

23. The municipal officials shall be personally responsible for their communes.

24. The departmental and district administrations and the military agents are responsible for using every means of requisition and authority, and also for making whatever searches are necessary for the

execution of the above articles concerning the arming of citizens who are to serve.

25. The citizens who are to serve shall be in the pay of the nation from the day of their enlistment, and shall receive twenty *sous* per day, excepting deductions prescribed by decrees . . .

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27. All citizens on their way to join, in accordance with the orders they have received therefor from the military agents, as well as volunteers who, having left their colors, either with or without leave, join before 1 April, shall receive, throughout their entire journey, three *sous* per league and lodging.

28. In order to secure the prompt and entire execution of the above articles, the Minister of War shall have as many officers and noncommissioned officers as he considers necessary to carry out the details of the levy sent into each district of the Republic; moreover, he shall name for each department a commissary or superior agent, who shall direct and supervise all operations, in cooperation with the administrations.

TITLE in

OF THE COMPLEMENT OF CAVALRY AND ARTILLERY

1. The cavalry of the Republic shall be increased to the complement of 170 men per squadron, established by decrees, by volunteers taken from infantry battalions of every designation.

2. Artillery regiments likewise shall be completed by volunteers taken from the infantry.

3. Any other augmentation, in either cavalry or artillery, shall be effected by means of the levy ordered by Title I of the present decree.

4. If the number of 300,000 men levied in consequence of Title I is in excess of the needs of the army, the surplus shall be distributed in whatever manner the Minister deems most useful.

The provisional Executive Council is charged with sending the present decree to the departmental administrations by special messengers, and it shall give the National Convention a weekly account of the execution thereof.

The district and departmental administrations are required to make known as the work proceeds, the former to the departmental administrations and they in turn to the Minister of War, the measures which they have taken for the execution of the present decree.

Summary of the Items with Which Each Volunteer Citizen

is to be Provided

One coat, one vest, two pairs of breeches, three shirts, two pairs of stockings, two collars, and two pairs of gaiters, one black and one gray; a hat, two pairs of shoes, three brushes, two combs, a leather sack, a canvas sack for provisions, a gun with a wad hook, screw driver, and bayonet; and if possible, a cartridge pouch with bandolier.

Additional Articles

- 1. The departments are requested to furnish as many volunteers as possible over and above their contingent.**
- 2. After the recruiting has been completed, a list shall be made of the departments which have furnished a surplus of volunteers sufficient to complete one or more battalions. Said list shall be inserted in the *proces-verbal* of the Convention, deposited in the archives of the nation, and posted throughout the entire Republic; and it shall be declared that such departments have deserved well of the *Patrie* at a time when liberty was threatened by all tyrants.**
- 3. The Minister of War is required to give orders immediately so that, dating from today, no volunteer may leave his battalion, and no longer may any permission whatsoever be granted to the defenders of the *Patrie* to leave their colors.**

IV. COUNTER-REVOLUTION AND THE EMERGENCY DECREES

The special legislation adopted by the Convention to meet the crises of March and April, 1793, is usually known as "The Emergency Decrees." These decrees were partly the result of military reverses. They were produced also by internal disorder, especially the counter-revolutionary movement in the Vendee in western France. There, especially following the conscription levy of February, open civil war, royalist and Catholic, broke out with great ferocity.

Outstanding among the Emergency Decrees were those providing for the Revolutionary Tribunal (83), local Watch Committees (84), further action against *emigres* (85), a Committee of Public Safety (86), and Deputies on Mission (87); and they were supplemented by a statement on non-intervention and treason (88).

Gradually a form of emergency government was developing in France to repel invaders and check counter-revolutionaries. It was to reach its peak after June of 1793 as the “Terror” when the Girondins had been eliminated and ruthless and efficient leaders had taken their place. The final struggles of the Girondins and Jacobins had already begun, and April and May were to see them brought to a conclusion,

83. Decree Providing for the Revolutionary Tribunal

10 March, 1793

SOURCE: Duvergier, v. 5, pp. 190-191. See also: A. P., v. 60, pp. 64-70 *passim*; *Moniteur*, 12 March, 1793, Rep., v. 15, p. 678; B. and R., v. 25, pp. 59-61; Helie, pp. 356-358 [gives date as 11 March],

REFERENCE: Stephens, *French Revolution*, v. 2, App. IX.

The Revolutionary Tribunal was proposed by Danton, was approved in the face of vigorous Girondin opposition, and constituted the Convention’s first measure on “public safety.” The Court replaced the National High Court (suppressed 25 September, 1791) and was the logical successor to the Special Court of August, 1792 (abolished 29 November, 1792). Under the Terror this Court was to become

known as the Revolutionary Tribunal, and was to be used by the terrorists in liquidating their enemies. Article 12 of Title I destroyed the independence of jurors; article 2 of Title II constituted a violation of the principle of confiscation of property which was established by the decree of 21 January, 1789.³⁰

At first the Court was dominated by Girondins and was relatively ineffective. Soon the position of prosecutor was granted to one Fouquier-Tinville, an attorney. Between March of 1793 and the Summer of 1794 the Court tried and sentenced some 2,600 persons to death, many of them merely political enemies, some even innocent victims of circumstances.

* * *

TITLE I

OF THE COMPOSITION AND ORGANIZATION OF A SPECIAL CRIMINAL COURT

1. A Special Criminal Court shall be established at Paris to take cognizance of all counter-revolutionary activities, all attacks upon

³⁰ See Duvergier, v. 1, p. 95. liberty, equality, unity, the indivisibility of the Republic, the internal and external security of the State, and all plots on behalf of the reestablishment of monarchy or of any other authority hostile to liberty, equality, and the sovereignty of the people, whether the accused be civil or military functionaries or ordinary citizens.

2. The court shall be composed of a jury, and of five judges who shall direct the inquiry and apply the law after the jurors have declared upon the facts.

3. The judges may not render any decision unless at least three of them are present.

4. The judge who is elected first shall preside, and, in case of absence, he shall be replaced by the eldest.

5. The judges shall be appointed by the National Convention, by relative plurality of votes, which, nevertheless, may not be fewer than one-quarter of the total votes.

6. A public prosecutor and two assistants or substitutes, appointed by the National Convention in the same manner as the judges, shall be in the service of the court.

7. In tomorrow's session the National Convention shall appoint twelve citizens, from the Department of Paris and the four departments immediately adjacent, to perform the duties of jurors, and four substitutes from the same departments to replace the jurors in case of absence, challenge, or illness. The jurors shall perform their duties until 1 May next; and the National Convention shall provide for their replacement and for the formation of a jury from among the citizens of all the departments.

[1](#)

Concerning the organization and usages of the Convention, see Regulation of 28 September, 1792 [Duvergier, v. 5, pp. 6-8], On the membership see:

Guiffrey, J. M. J., *Les conventionnels; listes par departements et par ordre alphabétique des députés et des suppléants de la Convention nationale* (Paris, 1889); Kuscinski, Auguste, *Dictionnaire des conventionnels* (Paris, 1920). On the Ministers, Presidents, and Committees of the Convention see Stephens, *French Revolution*, v. 2, App. I, III, VI, and Thompson [Am. ed.], App. C, D; and on the oratory see Stephens, *Speeches*, v. 1, pp. 32-38. Early in October it organized the first of its three great committees, the Committee of General Security, a “police” agency.

[2](#)

For a good note on the Girondins see Stephens, *French Revolution*, v. 2, App. IV; see also Chapter Four, *supra*, footnote 3.

[3](#)

See, for example, document 55, *supra*.

[4](#)

See A. P, v. 8, pp. 157-158; also, document 9, *supra*.

[5](#)

See documents 10-13, *supra*.

[6](#)

® For details of these July days see A. P, v. 8, pp. 211 ff.

[7](#)

For the King's report of 15 July, 1789, see A. P, v. 8, p. 236; for details of his speech of 17 July, see *ibid.*, pp. 246-247.

[8](#)

For the documents relative to the King's flight see documents 37-41, *supra*.

[9](#)

n See Chapter Three, Section VI, *supra*, note 34.

[10](#)

See document 46, *supra*.

[11](#)

¹⁰ See Chapter Three, Section VII, *supra*.

[12](#)

See document 52, *supra*.

[13](#)

See document 58, *supra*.

[14](#)

Treaty of Versailles, 3 September, 1783 [Clercq, v. 15, pp. 117-127; see p. 119].

[15](#)

See document 79, *supra*.

[16](#)

Personal investigations, supplemented by those of friends (who are experts in the field) and by the Reference Department of the Library of Congress, have failed to reveal any such treaty *of this date*! There was, however, a convention between Great Britain and the Emperor on 30 August, 1793 [Martens, v. 5, pp. 170-174], Incidentally, the treaty with Prussia against France was not signed until 14 July, 1793. [For the foregoing data the editor is indebted to Mr. Donald G. Patterson (Acting Chief, General Reference and Bibliography Division, Library of Congress) and his staff.]

8. The functions of the police of general security, assigned to the municipalities and the administrative bodies by the decree of 11 August last,³¹ shall extend to all crimes and offences mentioned in article 1 of the present decree.

9. All *proces-verbaux* of denunciation, information, and arrest shall be addressed in duplicate by the administrative bodies to the National Convention, which shall refer them to a commission of its members responsible for examining them and for reporting thereon.

10. A commission of six members of the National Convention shall be constituted and charged with examining all documents, with reporting thereon, with drafting and presenting indictments, with supervising the inquiry made in the Special Court, with maintaining a regular correspondence with the public prosecutor and the judges concerning

³¹ Decree for that special purpose [Duvergier, v. 4, pp. 295-296]. all public suits dispatched to the court, and with rendering account thereof to the National Convention.

11. Accused persons who wish to challenge one or more jurors shall be required to state the causes of challenge in one and the same instrument, and the court shall judge the validity thereof within twenty-four hours.

12. The jurors shall vote and make their declaration publicly, aloud, and by absolute majority of votes.

13. Decisions shall be executed without appeal to the Court of

Cassation.

14. Accused persons in flight, who do not present themselves within three months of the trial [*jugement*], shall be treated as *emigres* and shall be subject to the same penalties with regard to their persons and their property.

15. The judges of the court shall elect a court clerk and two bailiffs by absolute majority of votes. The court clerk shall have two clerk's assistants, who shall be received by the judges.

TITLE II

OF PENALTIES

1. The judges of the Special Court shall pronounce the penalties provided by the Penal Code and subsequent laws against accused persons who are convicted; and when regular offences are in the class of those punishable by penalties of the correctional police, the court shall pronounce such penalties without referring the accused to the police courts.

2. The property of those who are condemned to the penalty of death shall be acquired by the Republic, and provision shall be made for the maintenance of their widows and children if these have no other property.

3. Persons convicted of crimes or offences not anticipated by the Penal Code and subsequent laws,

or punishment for which has not been determined by law, and whose lack of patriotism and residence upon the territory of the Republic have been a source of public disturbance and agitation, shall be condemned to the penalty of deportation.

4. The Executive Council is responsible for providing for the site of the court.

5. The stipend of the judges, court clerk, clerk's assistants, and bailiffs shall be the same as that decreed for the judges, court clerk clerk s assistants, and bailiffs of the criminal court of the Department of Paris.³²

84. Order for the Establishment of Watch Committees

21 March, 1793

SOURCE: A. P., v. 60, pp. 389-390 [the only text which includes Title II]. See also: Duvergier, v. 5, pp. 206-207 [lacks preamble]; *Moniteur*, 23 March, 1793 Rep. v. 15, p. 764; B. and R., v. 25, pp. 135-137. ' , ' ,

These “watch committees,” as they came to be called, were ultimately to be directed against *all* suspected persons, foreign as well as French. Their powers were later increased, and they became one of the most powerful of the revolutionary agencies and dominated the local authorities.

*** * ***

The National Convention, considering that, af a time when the allied despots threaten the Republic still

more by the efforts of their intrigues than by the success of their arms, it is its duty to prevent liberticide plots;

Considering that, having received from the French people the mission of presenting it with a constitution founded upon principles of liberty and equality, it must, in redoubling surveillance, prevent the internal enemies from succeeding in stifling the will of patriots and substituting private interests for the general will;

Wishing, finally, to give the magistrates of the people every means of watching [*eclairer*] the evil and of checking the progress thereof, decrees as follows:

TITLE I

1. In each and every commune of the Republic, and in each and every section of the communes which are divided into sections, a committee composed of twelve citizens shall be formed at the hour indicated in advance by the general council.

32 j e,, by a decree of 13 March, 1791, on Paris criminal courts [Duvergier, v. 2, p. 256].'

2. The members of said committee, who may not be chosen from among either ecclesiastics, or former nobles, or former seigneurs of the locality or their agents, shall be elected by ballot and by relative plurality of votes.

3. Every election shall necessitate as many times one hundred voters as the commune or section of a commune contains thousands of inhabitants.

4. The committee of the commune, or every one of the committees of the sections of the commune, shall be responsible for receiving, in its *arrondissement*, the declarations of all foreigners who now reside in the commune or who happen to come there.

5. Such declarations shall contain the name, age, profession, place of birth, and means of existence of the party so declaring.

6. They shall be made within a week after the publication of the present decree; the list thereof shall be printed and posted.

7. Every foreigner who refuses or neglects to make his declaration before the committee of the commune or section in which he resides, within the time prescribed above, shall be required to leave the commune within twenty-four hours, and the territory of the Republic within a week.

8. Every foreigner born in countries with the governments of which the French are at war, who, in making his declaration, is unable to give proof before the committee, either of an establishment in France, or of a profession carried on there, or of landed property acquired, or of his civic sentiments by the testimony of six citizens domiciled for a year in the commune, or in the section if the commune is divided into sections, likewise shall be required to leave the commune within twenty-four hours, and the territory of the Republic within a week.

In cases to the contrary, a certificate of authorization of residence shall be delivered to him.

9. Foreigners who have no property in France, or who do not carry on a useful occupation there, shall be required, under the penalties expressed above, to give, in addition to the certificates of six citizens, security to the amount of one-half of their presumed wealth.

10. All those whom the provisions of the preceding articles exclude from French territory, and who have not left within the established time, shall be condemned to ten years' imprisonment, and shall be prosecuted by the public prosecutor of the place of their residence.

11- In case of dispute, either over the said declarations or over the decision, the declarations made before the committee shall be brought before the general council or before the assembly of the section, which shall decide summarily and definitively; and to that end, when the general council or the sections of a commune suspend their sessions, the time at which the recurrence of the sessions is established shall be indicated previously on the register.

12. Except for special convocation, the object, necessity, and form of which shall be stated upon the register, every deliberation decreed in the interval of suspension of sessions is annulled *de facto*; the president and secretary signing same shall be prosecuted before the court of correctional police, and condemned to three months' imprisonment.

13. Every foreigner seized in a riot, or convicted of having provoked or supported one with money or

counsel, shall be punished with death.

TITLE II

1. Every citizen, or son of a citizen, aged eighteen years or over, shall be required, within a week after the publication of the present law, to verify before the general council of the commune or the committee of twelve of the section: 1st, the place of his birth; 2nd, his means of livelihood; 3rd, the performance of his civic duties; after which, and upon the testimony of four citizens domiciled for a year in the commune, or in the section if the commune is divided into sections, a new civic card shall be issued to him.

85. Decree against *Emigres*

28 March, 1793

SOURCE: Duvergier, v. 5, pp. 218-227 [lacks brief formal preamble]. See also:

A. P., v. 60, pp. 643-654. . _ ” ’ , ”

REFERENCES: Decrees of: 9 November, 1791 [document 51, 9 February,

1792 [Duvergier, v. 4, p. 66]; 2 September, 1792 [*ibid.*, v. 4, pp. 397-398]; 9 October, 1792 [*ibid.*, v. 5, p. 16]; 23 October, 1792 [*ibid.*, v. 5, p. 27].

This document constituted a consolidation and extension of previous legislation against *emigres*, a sort of organic act, designed as much to provide “loot” as to effect repression. It should be compared

with previous laws on the subject as indicated in the “References” above.

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TITLE I

PENAL PART

Section 1. Penalties for Emigration

1. The *emigres* are banished in perpetuity from French territory; *they are civilly dead*; their property is acquired by the Republic.

2. Infraction of the banishment pronounced by article 1 shall be punished with death.

Section 2. Effects of the Civil Death Pronounced against Emigres

[Articles 3-5 deal with the effects on inheritance, business transactions, etc., which became null and void.]

Section 3. Definition of Emigres

6. *Emigres* are: 1st, Every French citizen, of either sex, who, having left the territory of the Republic since 1 July, 1789, has not given proof of his return to France within the time limits established by the decree of 30 March-8 April, 1792.^{[1](#)} The said decree shall continue to be executed in so far as it

concerns the pecuniary penalties pronounced against those who have returned within the time limit prescribed thereby;

2nd, Every French citizen, of either sex, absent from the place of his (or her) domicile, who cannot give proof, in the form which is about to be prescribed, of continuous residence in France since 9 May, 1792;²

3rd, Every French citizen, of either sex, who, although now present, has absented himself (or herself) from the place of his (or her) domicile, and cannot give proof of continuous residence in France since 9 May, 1792;³

4th, Those who leave the territory of the Republic without having observed the formalities prescribed by the decree;³⁶

5th, Every agent of the Government, who, having been charged with a mission to a foreign power, has not returned to France within three months from the day of notification of his recall;

6th, Every French citizen, of either sex, who, during the invasion made by foreign armies, left noninvaded French territory in order to reside upon territory occupied by the enemy;

7th, Persons who, although born in foreign countries, have enjoyed the rights of citizens in France, or who, having a double domicile, namely one in France and another in foreign countries, cannot give proof of continuous residence since 9 May, 1792.³⁷

7. No one may offer, as excuse or pretext for absence, residence at Malta or in the territory of Bouillon, Monaco, and other places which, although adjacent or allied by treaties and commercial relations, do not constitute an integral part of France. With regard to residence in territories reunited to the Republic, it may not serve as excuse for the time anterior to the proclamation of reunion.

Section 4. Exceptions

8. The following shall not be considered *emigres*:

1st, Children, of either sex, who, on the day of the promulgation of the present decree, are not fourteen years of age, provided that they be not convicted of having borne arms against the *Patrie*, upon condition that they return to France within three months of the day of the promulgation, and reside therein. The time limit shall extend, for each and every child under ten years, only dating from the day when he (or she) shall have attained the age of fully ten years, and for those of ten years and under, dating from the day of promulgation of the present decree: nevertheless, girl *emigres* more than fourteen years and less than twenty-one years old, who have returned or who may return to the territory of the Republic, shall be deported; in case they return to France after their deportation, they shall be punished with

' death;

2nd, Persons exiled for a stated time;

3rd, Those who have been deported by name, in execution of the decree of 26 August, 1792,³⁸ or in consequence of orders of the administrative bodies, without derogating nevertheless from the said

³⁰ See note 33, *supra*.

³⁷ See note 34, *supra*. #

³⁸ Decree on non-jurors [Duvergier, v. 4, pp. 361-30z]. decree or the said orders in whatever concerns deportation or the penalties pronounced against those deported.

4th, Those whose absence antedates 1 July, 1789, provided that, in case they have returned since the said date, they have not again left the territory of the Republic, and also provided that they have not withdrawn, since hostilities began, to the territory of powers at war with France; those who, having left France prior to 1 July, 1789, have not inhabited other territory than that of powers at war with France, are unable to take advantage of the present exception if they have withdrawn into the electorates and bishoprics of the Rhine, into the internal circles of the Empire, or into the circle of Burgundy.

The above exception may not be invoked by ambassadors and other public functionaries charged with a mission of the Government outside the territory of the Republic, although they may have been recalled before 1 July, 1789;

5th, Those who are on a national mission, verified by the present national executive power, their wives,

fathers, mothers, children, and servants; but the latter may not be admitted beyond the number which each of such functionaries habitually employs. The servants shall not be admitted equally when they have not been in service prior to their departure; and whenever the public functionaries claim a mission from the nation, the department to which it is submitted shall be required to address it to the present Executive Council to have it verified before giving a decision;

6th, Merchants, their assistants, and workmen commonly known to be in the habit of making journeys abroad in connection with their commerce or profession, and who give proof thereof by authentic certificates from the general councils of the communes of their residence, endorsed by the district directories and verified by the departmental directories; the wives and children of the said merchants living with them, their clerks and their servants in the number which each one of them habitually employs, upon condition that, in the case of those who left France since the decree of 9 February, 1792,³⁹ they give proof of passports in which the wives, children, clerks, and servants have been named and designated;

7th, Frenchmen who, having no public office, civil or military, give proof that they have devoted themselves to the study of the sciences, arts, and crafts, who, prior to their departure, have been commonly known to be devoted exclusively to these studies, and for absenting themselves only to acquire new attainments in their profession.

³⁹ Decree confiscating property of *emigres* [Duvergier, v. 4, p. 66].

Those who have cultivated the sciences and the arts only as amateurs, or those who, having some other calling, do not make the study of the sciences and the arts their only profession shall not be included in the present exception unless they have been recognized, by orders of the general councils of the communes of their residence, endorsed and verified by the district and departmental directories, prior to 10 August, 1792, as being within the exception provided by article 6 of the decree of 30 March-8 April, 1792, in favor of the sciences and arts.⁴⁰

8th, Children whom their relatives, tutors, or guardians have sent into a foreign country in order to learn a trade, or for their education, upon condition that they furnish certificates issued by the general councils of the communes of their residence, endorsed and verified by the district and departmental directories; which certificates shall state that it is commonly known that the said children have been sent for business or education.

9th, Persons convicted of having aided the return of one or more *emigres*, by substituting them fraudulently for persons of their family or their clerks or servants, shall be punished with four years' imprisonment, and, moreover, shall be responsible with all their property for the wrongs which such offence has occasioned the Republic.

Section 5. Formation and Continuation of Lists and Placards of the

Property of Emigres

[This section (articles 9-21) deals with the lists which show information concerning the *emigres*', see decree of 30 March-8 April, 1792 (Duvergier, v. 4, pp. 93-95).]

Section 6. Certificates of Residence

22. In order to give the proof of residence required by section 3 of the present law, those accused of emigration shall be required to present the certificates of eight citizens domiciled in the canton of the certified residence, including therein the owner or the principal lodger of the house in which the certified person has lived or is living. In default of the owner or the principal lodger, the certified person may substitute the testimony of two citizens domiciled in the canton and nearest to his residence; in such case, nine witnesses shall be necessary, who, excepting the owners and principal lodgers, shall be neither relatives, nor relatives by marriage, nor tenants, nor servants, nor creditors, nor debtors, nor agents of the certified persons.

**⁴⁰ Decree concerning the property of *imigrte*
[Duvergier, v. 4, pp. 93-951.]**

23. Relatives, relatives by marriage, tenants, servants, creditors, debtors, or agents of those accused of emigration may not be permitted to certify the residence of any other person accused of emigration.

24. The certificates shall designate the time, the place of the certified residence, and especially the

houses where the certified person has lived.

25. The certificates shall be issued by the general councils of the communes of the chief towns of the canton of the certified residence; they shall be subject to the registry fee, which shall be paid within a week of issuance, under penalty of nullification; they shall be inscribed on the communal registers of the chief towns, published, and posted for one week in the chief towns of the canton as well as in the communes of the certified residence, and shall be issued only one week after said posting and publication.

[Articles 26 and 27 deal with the issuance and verification of the certificates in cities and municipalities.]

28. Mayors, municipal officers, and all members of the general councils or general assemblies of the section shall be guarantors of the facts relative to the domicile and the residence of the certifiers. The general councils of the communes and the general assemblies of the sections shall have the privilege of rejecting the testimony presented to them by certifiers whom they deem suspect.

29. The certificates shall contain the Christian names and surname, age, previous status, profession, and description of the person certified; they shall be signed by the person certified, in the presence of the certifiers, on the registers of the municipalities or sections as well as on the certificates; and the said certificates shall be issued by the municipalities or by the sections, after the posting thereof for one week, only in the

presence of the certifiers, who themselves shall sign the registers and the certificates at the time of issuance; and, in case the certified persons or the certifiers or any of them do not know how to sign, mention thereof shall be made in the registers and in the certificates.

30. Certificates issued, or which have been proved prior to the promulgation of the present decree, even those on which decisions or rulings of the administrative bodies have intervened, shall be null and void if those to whom they have been issued, or who have proved them, have been or now are included in the lists or tables of *emigres*, or if they are reinstated thereon subsequently, if their property has been sequestered, or if they have been or are henceforth denounced as *emigres* by two domiciled citizens.

31. The rulings and resolutions by which the administrative bodies may have reinstated *emigres*, or those accused of emigration, in their property shall likewise be declared null and void by virtue of the certificates above annulled; and the same administrative bodies shall be required again to sequester the property of said *emigres*, or those accused of emigration, with the exception of those who may apply, within a month dating from the promulgation of the present decree, to obtain replevin on certificates of residence in the form just prescribed.

32. The certificates issued to the members of the National Convention by the president and the secretaries, providing that they are at their posts,

shall suffice to establish their residence, and shall take the place, in all cases, of all other certificates.

33. The certificates shall be made in conformity with the model appended to the present decree.

34. If any doubt or difficulty arise with regard to the form of the certificates, their validity in such connection shall be determined by the departmental directories, on the advice of the district directories, each one in its *arrondissement*.

35. Those convicted of having attested falsely by their certificates shall be condemned to six years' imprisonment [*de gene*], in conformity with article 17 of Title II of section 2 of the Penal Code;⁴¹ moreover, they shall be jointly and severally responsible, with all their property, for losses which such falsification may have occasioned the

Republic.

36. The district *procureurs-syndics* and the departmental *procur-eurs-generaux-syndics* shall be required, under the penalties hereinafter prescribed, to denounce frauds and testimony suspected of falsehood, as soon as they have learned of them, to the director of the grand jury before the district court of the *arrondissement*, who, without previous instruction before the justice of the peace, and without having recourse to the court, shall be required to draft a writ of indictment and present it to the grand jury, to be proceeded with thereafter in the form prescribed by the decree of 16-29 September, 1791.⁴²

This refers to the art. 17 of sec. 2 of Title II of the second part of the Penal Code of 25 September-6 October, 1791 [Duvergier, v. 3, pp. 352-366]; art. 17, now ever, specifics *eight* years. # r_ * o»Q_in41

⁴² Decree concerning the police of security, etc. [Duvergier, v. 3, pp. 20 1].

37. The above articles introduce nothing new as to the form of certificates of residence required of public functionaries and othei citizens, creditors, or pensioners of the nation not accused of emigration; the said certificates shall be issued to them as heretofore, upon condition that they report an attestation of the departmental directory of the place of their domicile, or of their usual residence, stating that they have never been and are not included in the list of *emigres*, and that their property has not been sequestered.

Section 7. Nullification of Sales and Other Arrangements Concerning the Property of Emigres, and Exceptions Relative Thereto

[Articles 38-49 inclusive.]

Section 8. Penalties against Those Who Disturb the Administration or the Purchasers of Property of Emigres, and Who Conceal or

Divert Any Part of Said Property

[Articles 50-53 inclusive.]

Section 9. Accomplices of Emigres; Consequences of Such Crime with Regard to the Relatives of Emigres; Exceptions Relative Thereto

54. All those convicted of having, since 9 May, aided or countenanced the hostile schemes of *emigres*, of having sent their children to or of having hired men on foreign territory, of having furnished them with arms, or horses, or munitions, or any other war supplies, or with pecuniary aid shall be considered accomplices of said *emigres* and, as such, shall be punished with the penalties provided against them by the present decree.

[Articles 55-58 inclusive deal with the relatives of *emigres*.]

Section 10. Penalties against Public Functionaries Negligent or

Dishonest in Duties relative to the Execution of the Present Decree

59. Administrators, municipal officials, and all other public functionaries convicted of negligence in the execution of the present decree shall be deprived of office.

60. Those convicted of dishonesty in the performance of duties relative to the provisions of the present decree shall be punished by two years' imprisonment [*de fers*], and in addition, shall be responsible, with all their present and future property, for the harm which their dishonesty has occasioned the Republic or private individuals.

Section 11. Protests against the Lists of Emigres

[Articles 61—73 inclusive.]

Section 12. Trial of and Penalties against Emigres

74. All French *emigres* apprehended taking part in musterings, armed or unarmed, or having taken part in said musterings, and those who have been or are apprehended, whether on the frontiers, or in enemy territory, or in territories occupied by the troops of the Republic, if they have been formerly in enemy armies or in musterings of *emigres*; those who have been or happen to be seized with discharges or passports issued by French *emigre* leaders or by military commandants of enemy armies, are deemed to have served against France, are included in the provisions of the decree of 9 October last, and shall be punished in the manner prescribed by article 1 of said decree.⁴

75. The military commissions shall refer *emigres* who are not included in the cases provided by the law of 9 October last,⁵ and by the present law, to the seats of justice of the departmental criminal courts, to be tried according to the manner which is about to be established for the trial of *emigres*.

76. *Emigres* who return, those who have returned, and those who remain on the territory of the Republic contrary to law, shall be arraigned before the criminal court of the department of their last domicile in France, which shall have them brought to the seat of justice.

77. The public prosecutor shall have persons whose patriotism is certified summoned, at least to the number of two, from the commune of the domicile of the accused, or, failing them, from adjoining places, to determine whether the accused

is the same person as the one whose emigration is established by the list of *emigres* or by the orders of administrative bodies.

78. The witnesses summoned shall be heard publicly at the court, and always in the presence of two commissioners of the general council of the commune of the place where the court is established. The accused shall appear before the witnesses, and if they affirm his identity, the judges of the court shall condemn the *emigre* to death or, in the case of women of twenty-one years of age and under, to deportation for a maximum of fourteen years.

79. The condemned person shall be put to death or deported within twenty-four hours, without the possibility of any reprieve, appeal, or petition in cassation.

80. In the event that the accused claims to be still within the time limit for proving his (or her) residence in France, or for taking advantage of some exception determined by law, the court shall have him (or her) held at the courthouse, and shall refer immediately to the departmental directory, which shall rule on the allegation, in conformity with what has been prescribed.

81. Judgments rendered contrary to the provisions of the present law shall be null; accordingly, those who may have been acquitted of charges of emigration shall be placed on trial again.

All those accused of emigration, detained in jails and the prisons of district courts, whether proceedings

have begun or not, shall be referred immediately to the criminal court of the department of their last domicile.

82. Citizens who have seized and arrested *emigres* shall receive the sum of one hundred *livres* for each *emigre* immediately after the execution of the judgment. The warrant therefor shall be given them by the departmental directory . . .

83. The Executive Council shall forward the present decree as soon as possible, and by the most effective means. The administrative bodies shall likewise certify to it the receipt thereof. Six copies shall be distributed within a week to each member of the Convention; it shall be proclaimed in all communes, in the presence of the general council.

84. All previous decrees relative to *emigres* are abrogated in so far as they are contrary to the provisions of the present decree.

[Appended to the decree was a model certificate of residence (see Duvergier, v. 5, pp. 227-228); the law of 25 July, 1793, constituted Title II of this document (see Duvergier, v. 6, pp. 43-55).]

86. Decree on the Formation of a Committee of Public Safety

6 April, 1793 o A^{OUR, CE}, :-70?Trgier, 5, p., 242- See also: A-
P- V. 61, p. 378; *Moniteur*, 9 April 1793, Rep v. 16, p. 76; B. and R., v. 25, pp. 301-302 [omits article 41; C. and G., pp. 67-68 [omits part of article 2]; H61ie, pp. 367-368. J

REFERENCE: **Stephens, *French Revolution*, v. 2, App. VII, VIII.**

The Committee of Public Safety was an emergency executive committee designed to provide more effective action and greater co-operation between executive and legislative branches of the government. It grew out of and supplanted the relatively ineffectual Committee of General Defence, which had become too large for speedy administration, and was handicapped by the fact that its sessions were public.⁶

At first the Committee of Public Safety served as a ministry, responsible to the Convention, which it later came to dominate. The Executive Council continued to function, so the Committee of Public Safety was a compromise between an executive drawn from outside the legislature and one composed of members of that body. Subsequently the membership of the Committee of Public Safety was increased to twelve, and, with the Committee of General Security and the Revolutionary Tribunal, it came to constitute the foundation of the Terror Government.



The National Convention decrees:

1. A Committee of Public Safety, composed of nine members of the National Convention, shall be formed by roll call.

2. The committee shall deliberate in secret; it shall be responsible for supervising and accelerating the work of administration entrusted to the provisional Executive Council, the decrees of which it may even suspend when it believes them contrary to the national interest, upon condition that it inform the Convention thereof without delay.

3. Under critical circumstances it is authorized to take measures of general defence, both internal and external; and the orders signed by the majority of its deliberating members, which may not be less than two-thirds, shall be executed without delay by the provisional Executive Council. In no case may it issue warrants of arrest, except against executive agents, and upon condition of rendering account thereof, without delay, to the Convention.

4. The National Treasury shall hold at the disposal of the Committee of Public Safety for secret expenditures funds to the amount of

100,000 *livres*, which shall be issued by the committee, and paid upon orders which shall be signed as are decrees.

5. It shall make a weekly general report, in writing, of its activities and of the state of the Republic.

6. A register of all its deliberations shall be kept.

7. The aforementioned committee is established for only one month.

8. The National Treasury shall remain independent of the execu-live committee and subject to the

immediate supervision of the Con-vention, according to the manner established by decrees.

87. Decree Establishing Deputies on Mission

9 Aprilf 1793

SOURCE: Duvergier, v. 5, p. 243. See also: A. P., v. 61, pp. 479 480, *Moniteur*,

11 April, 1793, Rep., v. 16, p. 93; B. and R., v. 25, pp. 316-317. REFERENCE: Stephens, *French Revolution*, v. 2, App. X.

In this document was defined what had grown up in practice, namely, the device of sending deputies or national agents on special missions to reinforce the work of lax administrators. The present decree was supplemented by a special statement of the powers of Deputies on Mission, 30 April, 1793,⁴⁰ which, although it applied only to deputies sent to armies, was fairly representative of such powers as a whole. These powers were further defined and extended during the Reign of Terror.

*** * ***

1. Three representatives of the people shall be deputized regularly to each and every one of the armies of the Republic; every month one of the three shall be renewed.

2. They shall exercise the most careful supervision over the activities of the agents of the Executive Council, over the conduct of the generals, officers, and soldiers of the army; they shall render a daily account of the inventory of the stores, of every

kind of equipment, provisions, and munitions; they shall conduct the strictest examination of the activities and behavior of all purveyors and contractors to the armies of the Republic.

3. They shall take all measures that they deem suitable in order to accelerate the reorganization of the armies and the incorporation of volunteers and recruits in the existing system; for such purpose they shall act in concert with the generals commanding divisions and with other agents of the Executive Council.

4. The representatives deputized to the armies are invested with unlimited power for the performance of the duties delegated to them by the present decree; they may employ whatever number of agents they deem suitable. Extraordinary expenditures authorized by them shall be paid by the Public Treasury on the basis of statements en-

⁴⁶ See *Moniteur*, 3 May, 1793, Rep., v. 16, pp. 281-283. dorsed by them; their decrees shall be executed provisionally, upon condition of directing them to the National Convention within twenty-four hours, and, for matters which ought to remain secret, to the Committee of Public Safety.

5. All civil and military agents are enjoined to obey the requisitions of the commissioners of the National Convention, reserving to them the right of making, before the Convention, all complaints that they believe well founded.

6. The representatives of the people with the armies shall take, without delay, all measures

necessary to seek out and to cause to be arrested and arraigned before the Revolutionary Tribunal every military man, every civil agent, and other citizens who have aided, counseled, or favored, in any manner whatsoever, the treason of Dumouriez, or any other conspiracy against the security of the nation, or who have plotted the disorganization of the armies and attempted the ruin of the Republic.



88. Decree concerning Non-intervention and Treason

13 April, 1793

SOURCE: **Duvergier, v. 5, p. 248. See also: A. P., v. 62, p. 3; *Moniteur*, 16**

April, 1793, Rep., v. 16, p. 143; B. and R., v. 25, pp. 445-446; C. and G., pp. 303-304; Helie, pp. 368-369.

REFERENCES: **Documents 39, 55, 75, 76, *supra*.**

This document was a restatement of French foreign policy, an emergency decree, and a sort of peace overture all in one. It was passed on the motion of Danton, who felt that something should be done to clarify the position of the revolutionaries beyond the First Propagandist Decree,

*** * ***

The National Convention declares, in the name of the French people, that it will not interfere in any manner in the government of other powers; but at the same time it declares that it will bury

itself beneath its own ruins rather than suffer any power to interfere in the internal affairs of the Republic, or to influence the creation of the constitution which it wishes to give itself.

The National Convention decrees the penalty of death against whomsoever proposes to negotiate or to treat with enemy powers which have not previously solemnly recognized the independence of the French nation, its sovereignty, and the indivisibility and the unity of the Republic, founded upon liberty and equality.

V. THE FINAL STRUGGLES OF GIRONDINS AND JACOBINS

The closing phase of the struggles of Girondins and Jacobins opened with charges by each that the other had been implicated in the Dumouriez affair, and the bitter clashes in the Convention turned that body from an assembly of enlightened men into an anarchy of fanatics. In an attempt to offset Girondin attacks the Mountain appealed to its supporters in the Jacobin Club, who responded with an inflammatory circular to the local branches of the organization (89). And petition after petition was presented to the Convention demanding the expulsion of the Girondin leaders.

Meanwhile, constitutional debates were continuing. Serious discussion of a constitution did not materialize until February of 1793, at which time the constitutional committee (predominantly Girondin in personnel and under the chairmanship of Condorcet) presented a new "instrument of government."

This “Girondin Constitution” constituted the basis of most of the ensuing constitutional debates, and was vigorously attacked by the Jacobin element.⁷ One of the most significant by-products of these debates was the presentation, by Robespierre, of a proposed Declaration of Rights (90).

During the month of May (the Convention moved from the Manège to the Tuileries on the tenth of the month) the tension between the two factions increased. Rumors spread that the Commune was planning a forcible dissolution of the Convention in order to get rid of the Girondins. The Girondins, in turn, denounced the Commune (91), endeavored to arouse the departments against the capital, and planned to dissolve the Commune and possibly move the government out of Paris. On 25 May another petition from the Commune demanded the expulsion of the leading Girondins, and, unwisely, the current president of the Convention replied only with threats. These threats were to result in a successful *coup* against the Girondins before another week had passed.

Before proceeding to the fall of the Girondins, however, as in the case of the preceding chapter,⁸ attention must be given to the economic and social trends of this first phase of the Convention, trends which, coupled with and productive of domestic insurrection, constituted, as heretofore, a constant problem for the deputies.

89. Circular from the Paris Jacobins to Local Branches of the Club

5 April, 1793

SOURCE: **Aulard, F. V. A., ed.,** *La Society des Jacobins; Recueil de documents pour l'histoire du Club des Jacobins de Paris*, 6 v. (Paris, 1889-1897) v 5 DD 1 128. [Used here by permission of J. Vrin, Paris.] ' PP'

Designed to arouse the provinces against the Girondins, this circular should be compared with Guadet's speech against the Commune.⁴⁹

Friends, we are betrayed! To arms! To arms! The terrible hour is at hand when the defenders of the *Patrie* must vanquish or bury themselves under the bloody ruins of the Republic. Frenchmen, never was your liberty in such great peril! At last our enemies have put the finishing touch to their foul perfidy, and to complete it their accomplice Dumouriez is marching on Paris. The manifest treasons of the generals in coalition with him leave no doubt that this plan of rebellion and this insolent audacity are directed by the criminal faction which has maintained and deified him as it did Lafayette, and which has deceived us, up to the decisive moment, concerning the conduct, conspiracies, defeats, and outrages of this traitor, this impious man who has just effected the arrest of the four commissioners of the Convention and intends to dissolve it. . . .

But, Brothers, not all your dangers are to be found there! . . .⁵⁰ You must be convinced of a grievous truth! Your greatest enemies are in your midst, they direct your operations. O Vengeance!!! . . .

Yes, brothers and friends, yes, it is in the Senate that parricidal hands tear at your vitals! Yes, the counter-revolution is in the Government . . .,^{cl} in the

National Convention! It is there, at the center of your security and your hopes, that criminal delegates hold the threads of the web that they have woven with the horde of despots who come to butcher us! . . .⁵² It is there that a sacrilegious cabal is directed

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by the English court . . . and others . .

But already indignation rouses your courageous patriotism. Let us go, republicans, let us arm! And, without allowing ourselves to be weakened by vain fears concerning our calamities, let our wisdom

⁴⁰ **Document 91, *infra*.**

⁵⁰ **This “omission” appears in the text.**

⁵¹ *Ibid.*

⁵² *Ibid.*

⁵³ **Both these “omissions” appear in the text. determine the means of salvation which remain to us, they are as follows:**

Let us rise! Yes, let us all rise! Let us arrest all the enemies of our revolution, and all suspected persons. Let us exterminate, without pity, all conspirators, unless we wish to be exterminated ourselves. And to restore to the National Convention, which alone can save us, to restore to it its force and its energy, let the patriotic deputies on mission in the eighty-three departments be dismissed from their posts, let them return as soon

as possible; and, following the example of the generous Marseillais, let new apostles of liberty, chosen by you from among your midst, replace these commissioners; let them be sent into the towns and rural districts to facilitate the speediest recruiting, and to kindle patriotism and ferret out traitors.

Let the departments, the districts, the municipalities, and all the popular societies unite 'and concur in protesting to the Convention, by dispatching thereto a veritable rain of petitions manifesting the formal wish for the immediate recall of all unfaithful members who have betrayed their duty by not wishing the death of the tyrant, and, above all, against those who have led astray so many of their colleagues. Such delegates are traitors, royalists, or fatuous men. The Republic condemns the friends of kings! They are the ones who dismember her, ruin her, and have sworn to annihilate her. Yes, citizens, they are the ones who have formed this criminal and disastrous faction. With them your liberty disappears! And by their prompt expulsion the *Patrie* is saved!!!

Let us all unite equally to demand that the thunder of indictments be loosed against generals who are traitors to the Republic, against prevaricating ministers, against postal administrators, and against all unfaithful agents of the government. Therein lies our most salutary means of defence; but let us repel the traitors and tyrants.

The center of their conspiracy is here: it is in Paris that our perfidious enemies wish to consummate their crime. Paris, the cradle, the bulwark of liberty, is, without doubt, the place where they have

**sworn to annihilate the holy cause of humanity
under the corpses of patriots.**

**It is against Paris that Dumouriez directs his
vengeance, rallying to his party all the Royalists, the
Feuillants, the Moderates, and all the craven
enemies of our liberty. Therefore, it is at Paris that
we must all defend it! And impress this truth firmly
on your minds, that Paris, without you, cannot save
the Republic. Already the intrepid Marseillais have
risen, and it is to forestall their arrival that the
nefarious cabal incites the fulfillment of the crimes
of Dumouriez the traitor.**

**Frenchmen! The *Patrie* is threatened with the
greatest danger! Dumouriez declares war on the
people, and, suddenly become the vanguard of the
ferocious enemies of France, a part of his
army, seduced by this great criminal, marches on
Paris to re-establish the monarchy and dissolve the
National Convention.**

**To arms, Republicans! Fly to Paris; there is the
rendezvous of France; Paris must be the
headquarters of the Republic.**

**To arms! To arms! . . . ,⁵⁴ No deliberation, no delay, or
liberty is lost! Every means must be utilized to
hasten your march. If we are attacked before you
arrive, we know how to fight and how to die, and we
will surrender Paris only in ashes!!!**

Signed, MARAT, Deputy, President.

DUBUISSON, *Vice-President.*

JAY, DUQUESNOI, *Deputies.*

COINDRE, DUPEERET.

CHAMPERTOIS, PRIEUR, *Secretaries.*

90. Robespierre's Proposed Declaration of Rights

24 April, 1793

SOURCE: ***Moniteur*, 5 May, 1793, Rep., v. 16, pp. 294-296. See also: B. and R., v. 26, pp. 93-97 [in 37 articles]; A. P., v. 63, pp. 198-200 [in 38 articles]; Stephens, *Speeches*, v. 2, pp. 370-374 [in 26 articles]; Vellay, Charles, ed., *Discours et rapports cle Robespierre* (Paris, 1908), pp. 244-254 *passim* [in 37 articles].**

Robespierre's proposed declaration was a logical outgrowth of the belated constitutional debates. It was published but not adopted. It affords a good cross section of Robespierre's views, especially on economic matters and foreign policy, and should be compared with the declarations prefaced to the Constitutions of 1791 and 1793.

*** \$ ***

The representatives of the French people, assembled in National Convention, recognizing that human laws which do not derive from the eternal laws of justice and of reason are only the outrages of ignorance or despotism against humanity; convinced that forgetfulness and contempt of the natural rights of man are the sole causes of the crimes and misfortunes of the world, have resolved to set forth in a

⁸⁴ This "omission" appears in the text. solemn declaration these sacred and inalienable rights, in order that all citizens, being able constantly to compare the acts of the government with the aim of every social institution, may never allow themselves to be oppressed and degraded by tyranny, in order that the people always may have before their eyes the bases of their liberty and welfare; the magistrate, the rule of his duties; the legislator, the object of his mission.

Accordingly, the National Convention proclaims in the presence of the Universe, and before the eyes of the Immortal Legislator, the following declaration of the rights of man and citizen.

- 1. The aim of every political association is the maintenance of the natural and inalienable rights of man, and the development of all their attributes.**
- 2. The principal rights of man are those of providing for the preservation of his existence and his liberty.**
- 3. These rights appertain equally to all men, whatever the difference in their physical and moral powers.**
- 4. Equality of rights is established by nature; society, far from impairing it, guarantees it against the abuse of power which renders it illusory.**
- 5. Liberty is the power which appertains to man to exercise all his faculties at will; it has justice for rule, the rights of others for limits, nature for principle, and the law for a safeguard.**

6. The right to assemble peaceably, the right to manifest one's opinions, either by means of the press or in any other manner, are such necessary consequences of the principle of the liberty of man, that the necessity of enunciating them presumes either the presence or the recent memory of despotism.

7. The law may forbid only whatever is injurious to society; it may order only whatever is useful thereto.

8. Every law which violates the inalienable rights of man is essentially unjust and tyrannical; it is not a law at all.

9. Property is the right of each and every citizen to enjoy and to dispose of the portion of property guaranteed to him by law.

10. The right of property is limited, as are all others, by the obligation to respect the property of others.

11. It may not be detrimental to the security, or the liberty, or the existence, or the property of our fellowmen.

12. All dealings which violate this principle are essentially illicit and immoral.

13. Society is obliged to provide for the subsistence of all its members, either by procuring work for them, or by assuring the means of existence to those who are unable to work.

14. The aid indispensable to whomsoever lacks necessities is a debt of whomsoever possesses a

surplus; it appertains to the law to determine the manner in which such debt is to be discharged.

15. Citizens whose incomes do not exceed whatever is necessary for their subsistence are exempted from contributing to public expenditures; the others must support them progressively, according to the extent of their wealth.

16. Society must favor with all its power the progress of public reason, and must place education within reach of all citizens.

17. The law is the free and solemn expression of the will of the people.

18. The people is the sovereign, the government is its work, the public functionaries are its clerks; the people may change its government and recall its representatives when it pleases.

19. No portion of the people may employ the power of the entire people; but the wish which it expresses must be respected as the wish of a portion of the people, which is to concur in forming the general will. Each and every section of the assembled sovereign must enjoy the right to express its will with entire liberty; it is essentially independent of all constituted authorities, and master of regulating its police and its deliberations.

20. The law must be equal for all.

21. All citizens are admissible to all public offices, without any distinction other than that of virtues and talents, without any title other than the confidence of the people.

22. All citizens have an equal right to concur in the nomination of the representatives of the people, and in the formation of the law.

23. In order that these rights may not be illusory, and equality chimerical, society must pay the public functionaries, and must arrange that citizens who live by their labor may be present at the public assemblies to which the law summons them, without compromising their existence or that of their family.

24. Every citizen must obey religiously the magistrates and agents of the government when they are the spokesmen or the executors of the law.

25. But every act against the liberty, the security, or the property of a man, performed by anyone whomsoever, even in the name of the law, except in the cases determined and the forms prescribed thereby, is arbitrary and null", very respect for the law forbids submission thereto; and if it is executed by violence, it is permissible to repel it by force.

26. The right to present petitions to the depositaries of public authority appertains to every individual. Those to whom they are addressed ought to legislate on the matters which are the object thereof, but they may never forbid, restrain, or condemn the exercise of said right.

27. Resistance to oppression is the consequence of the other rights of man and citizen.

28. There is oppression against the social body when a single one of its members is oppressed.

There is oppression against each and every member of the social body when the social body is oppressed.

29. When the government violates the rights of the people, insurrection is the most sacred of rights and the most indispensable of duties for the people, and for each and every portion thereof.

30. When the social guarantee is lacking to a citizen, he returns to the natural right of defending all his rights himself.

31. In either case, to make resistance to oppression subject to legal forms is the last refinement of tyranny. In every free State the law must, above all, defend public and individual liberty against the abuse of the authority of those who govern: every institution which does not assume that the people are good, and the magistrate corruptible, is vicious.

32. Public functions may not be considered as distinctions or rewards, but only as public duties.

33. Offences of the mandataries of the people must be punished severely and promptly. No one has a right to claim himself more inviolable than other citizens. The people have a right to know what their mandataries are doing; these must render a faithful account of their activities and must submit to public judgment respectfully.

34. The men of all countries are brothers, and the different peoples must help one another, according to their power, as citizens of the same State.

35. Whoever oppresses a single nation declares himself the enemy of all.

36. Whoever make war on a people in order to check the progress of liberty and annihilate the rights of man must be prosecuted by all, not as ordinary enemies, but as assassins and rebellious brigands.

37. Kings, aristocrats, tyrants, whoever they be, are slaves rebelling against the sovereign of the earth, which is the human race, and against the legislator of the universe, which is nature.

[1](#)

Decree concerning property of *emigres* [Duvergier, v. 4, pp. 93-95].

[2](#)

The decree of 30 March-8 April, 1792, cited in the preceding footnote regulated the sequestration ordered by an earlier decree of 9 February, and was designed to facilitate the *return of emigres to France. Emigres who returned to France after 9 February, 1792, or who returned after the promulgation of this decree of 30 March-8 April, 1792, would be reinstated in their property, provided they paid their regular share of the war indemnity. On the other hand, those who did not return within the month, i.e. prior to 9 May, 1792, would be subject to other restrictions. Failure of the emigres to respond to such overtures was one of the reasons for the decree of 27 July, 1792, substituting confiscation for sequestration. [Some original difficulties in*

determining why the date 9 May, 1792, was significant were solved, as in the case of footnote 26, *supra*, by Mr. Donald G. Patterson, and staff, of the Library of Congress.]

[3](#)

See note 34, *supra*.

[4](#)

Decree establishing the method of executing the decree pronouncing the death penalty against *emigres* captured bearing arms [Duvergier, v. 5, p. 16].

[5](#)

See note 43, *supra*.

[6](#)

See document 80, *supra*.

[7](#)

The text of the document is given in D. and M., pp. 36-66, and useful comments may be found in the same work, pp. xxvi-xxxii, as well as in H61ie DD 384-386 Aulard, v. 2, pp. 159-184, and Brinton, pp. 113-114. * '

[8](#)

See Chapter Four, Section VII, *supra*.

91. Guadet's Speech on the Paris Commune

18 May, 1793

SOURCE: *Moniteur*, 20 May, 1793, Rep., v. 16, pp. 422-423. See also: B. and R. v. 27, pp. 127-130. [Cf. A. P., v. 65, pp. 46—47; Stephens, *Speeches*, v. 1, dd 449-452.1

By some scholars this speech has been considered the last and greatest effort of the Girondins to crush their opponents. It is the Girondin counterpart of the Jacobin Circular of 5 April, 1793.^{[1](#)}

* * *

Citizens, when virtuous men . . . content themselves with lamenting the misfortunes of their *Patrie*, then perfidious persons and scoundrels become active for its destruction. "Let them talk," said Caesar, "while I act." If you had listened to me yesterday I would have told you that you were not masters of your internal police; I would have told you that tickets [of entry] are wrested from citizens of the departments who present themselves for admission to the tribunes that you have granted them. I would have told you that, in conducting to these tribunes a special deputy from the city of Bordeaux, he and I were insulted. I would have apprised you that new plots for the dissolution of the National Convention are being planned. I would have told you that the day before yesterday, at the town hall, in an assembly of alleged members of the revolutionary committee, your dissolution was ordered in this manner: that assembly resolved to arrest all

suspected men, that is to say, all those who have no proof of connection with the honorable days of 2 September and 10 March;² and, as a consequence of such arrests, you would have been handed over to that misguided multitude which has been taught to love blood.

**I would have reminded you that, but a few days ago, it was said to the Jacobins, among whom several members of the National Convention are present, "For three months we have been ruined piecemeal; scoundrels break us; do you want to know how to save the Is there a republican who dares to contradict me? This method consists • of exterminating all the scoundrels before setting out. I have studied the Convention; it is partly composed of scoundrels who must be punished. All the partisans of Dumouriez and all conspirators must perish." ("Yes, Yes," cry some of the members of the Left; murmurs from the Right.) And you know, citizens, that those are the accomplices of Dumouriez, at least by their excesses, who designate for the dagger of assassins men who have always fought, and who will never cease to fight, for liberty. I would have informed you that, in the presence of the general council of the Commune of Paris, the commander of the armed force of the Sans-Culotte section said, "Consider, citizens, that in leaving for the Vendee you leave here Rolandins, Brissotins, and marsh toads who . . . 57
(Several voices: "Yes,**

Yes!" Applause from the tribunes.)

I would have informed you of the infamous means used by scoundrels to disseminate fanaticism, to

finish the movement which, up to the present, has failed, and the consequence of which would be the dissolution of the National Convention. Finally, I would have apprised you that the tumult which occurred yesterday had no other object than the precipitation of that movement. (*Violent murmurs from the Left.*) How long, citizens, will you sleep thus? (*Noise.*) How long will you leave the fate of liberty to chance? If, up to the present, fortune has done everything for you, no doubt you should be content with her; but if you do nothing for liberty, I ask you, will you be content with yourselves? Therefore, I urge you to take vigorous measures to frustrate the plots that surround you on all sides. Up to the present, the conspirators of 10 March have remained unpunished; we must have the courage to probe the wound to its depths. The evil lies in anarchy, in this kind of insurrection of authorities against the Convention; it is in the authorities of Paris, anarchical authorities whom it is necessary . . . (*Violent murmurs from the Left of the Assembly; the tribunes show the same signs of disapproval.*) Yes, I repeat, the evil lies in the existence of the Paris authorities, authorities greedy for both money and domination.

I propose to the Convention the three following measures i

1st, The authorities of Paris are to be dissolved. (*Applause from the majority of the Assembly; murmurs from the Left and the trib-*

⁵⁷ The dots here indicate the interruption caused by applause.

unes.) The municipality will be replaced provisionally by the presidents of the sections, within twenty-four hours.

2nd, The substitutes will meet at Bourges as soon as possible; they may not deliberate, however, until they have been reliably informed of the dissolution of the Convention. *{Murmurs.}*

In the third place, I demand that this decree be dispatched to the departments by special messengers; when these measures have been adopted we shall work with the peace of mind of men who have placed in security the sacred depository confided to them. *from part of the Assembly,)*



VI. DOMESTIC INSURRECTION AND ECONOMIC DISTRESS

During the late Winter and early Spring of 1793, numerous insurrections occurred throughout France. These were closely related to the economic trends of the time—continued food shortages, depreciation of the *assignats*, rising prices, speculation in grain. They cannot be considered as counter-revolutionary in character. They must be accepted simply as indications of popular dissatisfaction with the economic policies (or lack of policies) of the Convention. They may be best understood perhaps if viewed in the light of the economic endeavors of that body.³

In financial activities the Convention, during its first phase, continued the policies of the two preceding assemblies, and extended the issue of assignats — adding more than 3 billion *livres*. This first year of the Convention brought the introduction of the second aspect of the *assignats*, namely their forced acceptance as national money. On 4 January, 1793, the Special Bank was suppressed, its functions appropriated by the Treasury, and the *assignats* transformed into legal national currency. As before, the situation continued to be aggravated by the costs of the war.⁴

Nor was the early work of the Convention in taxation more successful than that in finance. Taxes were in arrears, revenues were inadequate, expedients were unproductive. Until the Spring of 1793 the principles of the two previous assemblies were continued. Then, on 21 March, 1793, a new phase of the second main period of taxation was introduced—the *patentes* were abolished, ostensibly because they were not in harmony with the principles of equality, actually because they did not produce enough revenue. Hence, the *jonciere* and the *mobiliere* remained as the main direct taxes. Already the Convention had embarked upon a policy of special taxes, occasioned largely by the war, and ultimately coming to include many harsh requisitions. On 9 March, 1793, a war tax was assessed on the rich, and on 20 May a decree provided for a forced loan from the same group. These laws were contrary to Girondin philosophy, but under pressure from the left-wing elements they were unavoidable.⁰⁰

As in the case of the Constituent and Legislative Assemblies, the agricultural work of this phase of the Convention affected the grain trade, the feudal dues, and the protection of property. On 5 December, the Convention, in an attempt to conserve the local supply of grain, provided the death penalty for those guilty of exporting that commodity. Shortly thereafter the principle of free internal circulation of grain was reaffirmed, though it was not to last for long. Many local administrations had established maximum prices of grain as a means of checking speculation and assuring supplies. Finally, as a result of petitions and threats of violence, the Convention adopted the principle of regulating prices (93). On 7 December, 1792, the Convention had carried the process of eliminating the feudal regime a step further by abolishing all servitudes.⁰¹

Making capital of economic unrest and insurrection, the Jacobins had taken the lead in urging radical reforms. Gradually the Mountain had come to support these demands which included, among other things, political unity (i.e., no federalism), taxes on the wealthy to support the war (as mentioned above), adequate poor relief (an attempt at which was made in document 92), and government regulation of food prices (document 93). As yet, however, Jacobins as well as Girondins respected private property, as is suggested by their co-operation in passing a decree against advocates of agrarian laws.⁰²

The commercial policy of the first phase of the Convention was generally based upon two major principles: (1) continuation of the policies of

previous legislatures, i.e., State aid and protection; and (2) organization of the natural resources of France for prosecuting the war. The legislation of the period was directed primarily at foreign trade, in so far as such trade was connected with the war. British control of the seas interfered with French trade with the American colonies. Hence, the Convention announced that vessels of the U. S. A. might trade with those colonies. On 1 March, 1793, all French treaties

⁶⁰Concerning taxation see: Bloch, pp. 1-59 *passim*, 399-410 [pp. 50-57 give the taxation agencies of the Revolution].

⁶¹ Concerning the grain trade see: Caron, pp. 1-27 *passim*, 40-51 [pp. 13-15 give the agencies of the grain trade during the Revolution].

. Concerning agriculture see: Bourgin, pp. 241-260 *passim*, 304-307 Tpp. 243-244 give the agricultural agencies of the Revolution].

⁶² 18 March, 1793 [Duvergier, v. 5, p. 202]. An agrarian law was usually one which favored nationalization of private property. with enemy states were abrogated. And on 9 May a decree on contraband goods constituted a virtual declaration of war on neutrals.⁶³

In industrial legislation the early Conventionnels made no fundamental contributions. The significant work, especially the regulation and requisition of workers and the integration of industry with the war effort, was to come during the Terror.⁶⁴ 6

92. Decree on Public Relief

19 March, 1793

SOURCE: *Moniteur*, 21 March, 1793, Rep., v. 15, pp. 748-749. See also: A. P., v. 60, pp. 325, 328; Duvergier, v. 5, pp. 204-205 [lacks preamble], REFERENCE: Lest students of the period mistakenly assume that this sort of action began with the Revolution, they are referred to the valuable work of S. T. McCloy, *Government Assistance in Eighteenth-Century France* (Durham, N. C., 1946). Cf! document 90, *supra*.

Not only was this decree a manifestation of the humanitarian trends of the age and of the interest in the general welfare, it was also a logical consequence of the assumption by the State of many functions previously performed by the Church. It reflects a more proletarian sentiment than much of the earlier legislation, and even tends to remove some of the stigma so commonly applied to poverty by the middle class. Students should note the comprehensive nature of the decree, and the manner in which its administration was to be exercised jointly by the central and the local authorities.

£ * *

The National Convention, numbering among its principal duties that of establishing a new system of public relief on the eternal bases of justice and morality, and considering that it is important that the distribution thereof be made in an exact proportion, and in accordance with the rules of the

most perfect equality that can be attained;
considering that the establishments to which the
new order gives rise must be such that the poor
derive therefrom an ever-certain aid, calculated on
the needs of life at all ages and at all times;
considering, finally,

⁰³ These actions resulted in retaliatory measures
on the part of Britain, were ultimately to involve the
U. S. A. in European affairs through the pretensions
of the belligerents to regulate neutral commerce,
and laid the foundations of the economic warfare
which was to culminate in Napoleon's Continental
System. Representative decrees appear in later
chapters of this book. , ,

Concerning commerce see: Schmidt, pp. 1-29 *passim*,
133-151 [pp. 12-26 give the commercial agencies of
the Revolution.] i . A

Concerning the problem of neutral commerce, see
Phillips, W. A., and Reede, A. n.,

The Napoleonic Period (New York, 1936). . r ta . .

⁰⁴ Concerning industry see: Schmidt, *Industrie*, pp.
1-21 *passim*, 71 [pp. 12-19 give the industrial
agencies of the Revolution]. that society, in assuring
its members of work, is authorized to forbid them
any action which would deprive it of the labor that it
has the right to require of them, and the
consequences of which might affect public order;
having declared as principles, 1st, that every man
has a right to his subsistence through work, if he is
physically fit, and through free aid if he is incapable
of working; 2nd, that the care of providing for the

maintenance of the poor is a national obligation, decrees as follows:

1. An annual sum shall be allotted by each legislature to each and every department of the Republic, to be used for the relief of indigence, in the proportion and manner hereinafter determined.

2. The elementary bases for distribution of relief in the Republic shall be: 1st, the taxpaying part of the departments compared with their nontaxpaying part, so that, with equal population, the department containing a smaller number of taxpaying citizens will have a right to a greater amount of relief; 2nd, the common rate of a day's labor in each department, so that likewise, with equal population and nontaxpayers, the department which pays for a day's labor at a higher rate will have, in proportion, a greater share in the distribution thereof.

3. The distribution shall be effected, on the same bases, from the departments to the districts, and from the districts to the cantons.

4. From the sum established by the legislature for relief, a portion, which remains fixed at one-fifth of the total relief, shall remain at its disposal, to be granted in the places where need of work, unforeseen accidents, or extraordinary circumstances necessitate such payment. The remaining part shall be distributed among the departments, in conformity with the provisions of article 2, to defray the expenses of establishments created and organized for the poor who are physically unfit.

5. Inasmuch as assisting the poor is a national obligation, the property of hospitals, foundations, and endowments for the poor shall be sold in the manner regulated by the Committee on Alienation; such sales shall not take place, however, until after the organization of public relief is complete, final, and in full operation.

6. In each and every canton there shall be formed an agency responsible, under the supervision of the administrative bodies and the executive power, for the distribution of work and relief to the resident poor, both fit and unfit, who have had themselves listed on a register opened for such purpose in their canton.

7. The members of relief agencies shall not be paid. The accounts of their administration shall be made public and submitted for the examination and approval of the administrative bodies, which shall have them sent to the legislature.

8. The relief funds which the Republic allots to indigence shall be divided in the following manner:

Works of relief, for the able-bodied poor, in times of unemployment or distress;

Relief at home, for the invalid poor, their children, and old or sick persons;

Private hospitals for sick persons who have no home, or who cannot receive aid at home;

Asylums for abandoned children, and for nonresident old and infirm persons;

Aid for unforeseen accidents.

9. Work shall be carried on every day of the week except the seventh.

10. The relief funds applicable to work shall be granted to the departments, in the proportions of article 2 of the present decree, at the request of the agency to the administrative bodies, and, upon their notification, with an order to the municipalities of the canton which such work will benefit, to apply thereto the income of a tax imposed on themselves, equal to one-fourth over and above the sum which they receive.

11. Health officers shall be stationed, wherever necessary, for the poor who receive aid at home, for abandoned children, and for children listed in the registers of the, poor.

12. Accoucheurs and midwives of recognized competence, established in the cities and rural districts, shall be responsible for the delivery of women listed in the registers of the poor. Morgues for persons drowned or asphyxiated shall be maintained in territories where they [now] exist, and others shall be established where needed.

13. To aid prudent citizens who would like to provide themselves with resources for emergencies, a public establishment shall be formed under the name of "*National Precautionary Bank*," according to a plan and organization to be determined.

14. Begging shall be restricted. Accordingly, in each and every department houses shall be established where work shall be carried on, and to

which beggars shall be taken in the cases and for the terms to be determined. The Committees on Legislation and Relief shall co-operate in proposing a penalty to prevent, in case of a second or third offence, any return to vagabondage.

15. Any distribution of bread or money at the doors of public or private houses, or in the streets, shall cease as soon as the organization of relief is in full operation. It shall be replaced by voluntary subscriptions, the product of which shall be applied to the relief fund of the canton, so that the total may be added to the relief funds allotted thereto in the distribution.

16. Subscriptions shall be received, every day of the year, at the residence of a member of the agency who is designated for such purpose. A list of the income from subscriptions shall be posted every three months before the town hall of the canton seat, and proclaimed on the altar of the *Patrie* on the days consecrated for national holidays.

93. The First Law of the Maximum

4 May, 1793

SOURCE: Duvergier, v. 5, pp. 266-268 [lacks brief formal preamble]. See also:

A. P., v. 64, pp. 54-57; *Moniteur*, 6 May, 1793, Rep., v. 16, pp. 305-306; B. and R., v. 26, pp. 343-347 [under date of 3 May]; Caron, pp. 46-49.

REFERENCES: Document 105, *infra*, and circular of 11 June, 1793, concerning the execution of this law [Caron, pp. 49-51].

Obviously this law was at variance with Girondin policies. It proved to be ineffectual, for many administrations failed or refused to apply it. It is significant, however, in that it restored a degree of supervision to the grain trade, and set an example of price fixing which was to be extended during the Terror. The period of the so-called “relative maximum” thus introduced continued (at least nominally) until the Autumn of 1793.

*** * ***

1. Immediately after the publication of the present decree, every merchant, cultivator, or owner of grain and flour shall be required to declare to the municipality of the place of his domicile the quantity and the nature of the grain or flour in his possession, and, by approximation, what grain he has still to thresh. The district directories shall name commissioners to supervise the execution of this measure in the several municipalities.

2. Within the week following such declaration, the municipal officials, or citizens delegated by them for such purpose, shall verify the declarations made, and shall draft a report thereon.

3. The municipalities shall send to the directory of their district, without delay, a list of the grain and flour declared and verified; the district directories shall have the result thereof referred, without delay, to the directory of their department, which shall draw up a general list thereof and transmit it to the Minister of the Interior and the National Convention.

4. The municipal officials are authorized, according to a decision of the general council of the commune, to visit the houses of citizens possessing grain or flour, who have not made the declaration prescribed by article 1, or who are suspected of having made fraudulent declaration.

5. Those who have not made the declaration prescribed by article 1, or who have made fraudulent ones, shall be punished by confiscation of the grain or flour not declared, for the benefit of the poor of the commune.

6. Grain or flour may be sold only in public markets or in ports where such sale is customary, under penalty of a fine of not less than 300 or more than 1,000 *livres*, imposed upon both seller and buyer jointly and severally.

7. Citizens may, however, supply themselves at the homes of the -cultivators, merchants, or owners of grain of their canton, by bringing a certificate from the municipality of the place of their domicile, stating that they carry on no trade in grain, and that the quantity which they propose to buy, and which is specified by the certificate, is necessary to them for consumption for one month only; and they may not exceed such amount.

The municipalities shall be required to keep registers of said certificates, under the number corresponding to that borne by each of them.

8. The departmental directories are authorized, on the advice of the district directories, to establish markets in all places where they are deemed

necessary, without suppressing any of those existing at present.

9. The administrative and municipal bodies are likewise authorized, each in its *arrondissement*, to require every merchant, cultivator, or owner of grain or flour to bring to the markets the quantity thereof necessary to keep them sufficiently provided.

10. They may also require the workers, in case of refusal on the part of the farmers or owners, to thresh grain still in the sheaf.

11. The departmental directories shall send their requisitions to the district directories, and they in turn to the municipalities, which shall be required to defer thereto without delay.

12. None may refuse to execute the requisitions addressed thereto, unless it can prove that it does not possess grain or flour over and above its own needs until the next harvest, and this under penalty of confiscation of grain or flour in excess of its needs or those of its planters, *metayers*, day laborers, and harvesters.

13. The Provisional Executive Council is authorized, under the surveillance of the Committee of Public Safety, to take all measures which may be deemed necessary for assuring the provisioning of the

Republic.

14. The Minister of the Interior is likewise authorized to address to departments in which there is an excess of provisions, requisitions necessary for

provisioning those which find that they are inadequately supplied.

15. Every citizen wishing to do business in grain or flour shall be required to make declaration thereof to the municipality of the place of his domicile; he shall be provided with a formal certificate, which he shall be required to display wherever he goes to make his purchases, and the officials in charge of the police of markets in such places shall indicate in the margin of the certificate the amount of grain or flour purchased by him.

16. All wholesalers or merchants conducting grain or flour storehouses shall be required to keep regular registers, in which they shall enter their purchases and sales, indicating the persons from whom they have bought or to whom they have sold.

17. In addition, they shall be required to take permits into the place of their purchases, which permits shall be signed by the mayor or the communal prosecutor of the place or, in their absence, by two municipal officials; to have them discharged with the same formalities in the place of sale; and, finally, to present them again to the municipality of the place of purchase; all under penalty of confiscation of their merchandise, and of a fine of not less than 300 or more than 1,000 *livres*.

18. Said permits shall be delivered free of charge on unstamped paper, and shall be entered upon the registers kept by the municipalities.

19. All government agents for the provisioning of the army and navy, all grain commissioners, either

from administrative bodies or municipalities, shall be subject to the same formalities, and, in addition, shall have the price of their purchases declared on their permits.

20. The persons mentioned in the preceding article are expressly forbidden to do any business in grain on their own account, under penalty of confiscation, and of a fine of not less than the value of the grain or flour confiscated and not more than 20,000 *livres*.

21. All public functionaries are likewise forbidden to have an interest, directly or indirectly, in government markets, under penalty of death.

22. Grain dealers and retail grain merchants shall be exempted from keeping the registers required by article 16; they shall be obliged only to take permits, in conformity with article 17 of the present decree.

23. The laws relative to the free circulation of grain and flour shall continue to be observed, and confusion or impediment in connection therewith may be avoided by always submitting them to the formalities prescribed by the present decree.

24. The municipalities shall watch carefully over the maintenance of peace and good order in public markets.

25. In order to succeed in establishing the *maximum* price of grain in each and every department, the district directories shall be required to forward to their departmental directories a list of market prices of the markets of their *arrondissement*, from 1 January last up to 1 May present.

The mean price resulting from such lists, at which each kind of grain was sold between the two dates above stated, shall be the maximum above which the price of grain may not be raised.

The departmental directories shall declare such prices in a decree, which, like the tables which served as the basis thereof, shall be printed, dispatched to all the municipalities of their jurisdiction, published, posted, and directed to the Minister of the Interior.

26. The *maximum* thus established shall diminish in the following proportions: on 1 January next it shall be reduced by one-tenth, still further by one-twentieth on the price as of 1 July, by one-thirtieth on 1 August, and finally by one-fortieth on 1 September.

27. Every citizen convicted of having sold or purchased grain or flour for more than the established *maximum* shall be punished with confiscation of the said grain and flour, if they are still in his possession, and by a fine of not less than 300 or more than 1,000 *livres*, jointly and severally between the seller and the buyer.

28. Those convicted of having maliciously and deliberately damaged, lost, or concealed grain or flour shall be punished with death.

29. A compensation of 1,000 *livres*, against the property of those convicted of said crimes, shall be granted to the informer.

30. Municipalities, communes of *douanes*, and other overseers shall supervise with great care, and

under their responsibility, the execution of the laws against the exportation of grain and flour.

31. The present decree shall be dispatched by special messengers into all the departments.

VII. THE FALL OF THE GIRONDINS

The fall of the Girondins was virtually inevitable by the last week of May, 1793. On the 29th of the month delegates from the more radical sections of Paris set up an insurrectionary assembly. Two days later this body gained control of both the Commune and the Paris National Guard. Again crowds surrounded the Convention and deluged it with petitions—mainly demanding the overthrow of the Girondin leaders.⁰⁵ Despite the fact that the Girondins managed to avoid passing on the petitions, nevertheless the Mountain was able to obtain the passage and issuance of an inflammatory proclamation on what was taking place (94).

On Sunday, 2 June, crowds of civilians and soldiers again surrounded the Tuileries. This time the deputies were informed that, until such time as they surrendered the Girondin leaders, they were, in effect, prisoners. Much discussion followed, and finally the Convention capitulated by adopting a decree for the arrest of twenty-nine Girondin deputies, two Girondin ministers, and the twelve members of the “Commission.” [5](#) [6](#)

Many of the Girondin leaders escaped to the provinces, where they set about organizing opposition to the now Jacobin-dominated Convention. By so doing they left the Jacobins faced

not only with the usual problems of the Revolution, but with a new form of counter-revolution, one of the most dangerous forms, namely that of dispossessed revolutionaries. The entire procedure of these last few months of the first phase of the Convention should be of great interest and significance to the twentieth-century student of the ways of totalitarian agitators, whether of the Left or of the Right, whether in the Balkans or in South

America. Then as now the result, as will be shown in the ensuing chapter, was Terror!

94. Proclamation of the Convention concerning the Events of 31 May and 1 June, 1793

1 June, 1793

See also: A. P., v. 65,

SOURCE: *Moniteur*, 3 June, 1793, Rep., v. 16, p. 540. pp. 676-677; B. and R., v. 27, pp. 360-363.

This document, at once explanatory and inflammatory, suggests that, as events of the following day were to prove, at last Girondin control of the Convention was yielding to Jacobin domination.

*** * \$**

Frenchmen, a great movement has arisen in Paris; the enemies of the Republic are going to hasten to present it to you as a great misfortune; they are going to tell you that the tocsin and the alarm cannon have kept this immense city in terror for a

night and a day; that thousands of armed men, emerging confusedly from all sections, have hurled themselves around the National Convention, and have dictated to it their will as the law of the Republic. Frenchmen, your representatives are convinced that the happiness of empires can be founded only upon truth, and they are going to tell it to you.

Measures more rigorous than those which befit liberty in a newborn republic had aroused discontent; the rights of man were thought to have been violated; and the sections of a city which twice has risen in insurrection with such glory, arose again; but before even arising, they placed all persons and property under the safeguard of all good republicans. If the tocsin and the alarm cannon resounded, at any rate no disturbance or terror was spread; the noise of the workshops was in no way interrupted, and the course of business remained the same; all sections, protected by their arms, marched, but in order to deploy, in the greatest order and with respect, around the constituted authorities and representatives of the people.

Liberty of opinion has again shown itself, even in the heat of the debates of the Convention. In asking the redress of their grievances with some exaggeration inseparable from civic zeal, but with that pride which characterizes free men, the petitioners swore to die for the maintenance of the law, for the unity and indivisibility of the Republic, and for the security of the national representation.

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Frenchmen, you do not doubt that on that occasion ambition, malevolence, and aristocracy were on the watch, always ready to take advantage of circumstances; you do not doubt that false patriots, subsidized by our enemies, were redoubling their efforts to achieve their ends by precipitating good citizens into dangerous excesses. But the vast majority of a people strongly in favor of equality, liberty, and property has once again foiled their hopes and frustrated their plans.

Such was that day. For a moment it inspired disquietude, but all its consequences have been happy ones; it has presented the astonishing spectacle of an insurrection in which life and property have been as securely protected as in the best social order.

Thus all the events benefit liberty. Let us together hasten the moment of consolidating it by a republican constitution. Your representatives have just taken a solemn oath to form, within a few days, that indissoluble bond of all the departments. They summon you to a fraternal reunion for that date of the 10th of August, which will always be the anniversary of the acquisition of liberty.

It is there that you will promise to abhor the monarchy which would subject you to domestic oppression, and the federalism which would deliver you powerless to foreign tyrants.

Citizens of Paris, you have seen that the confidence of the National Convention has never been alienated from you; you have seen that it takes pleasure in deliberating in the midst of a people in whom

the love of liberty is a passion, and of a city which the efforts of an entire century have made the center of sciences and the threshold of enlightenment, for. Europe as well as for France.

Soldiers of the Republic, no longer have fear that, while you are fighting tyrants and rebels, internal divisions will compromise the cause of liberty for which you are shedding your blood with such glory. Union alone can save the *Patrie*; whatever your rank, general or soldier, whatever the corps in which you serve, strive only for more courage, as we have sworn to strive only for more zeal for our duties and our sacrifices for the *Patrie*.

Suggestions for Reading and Reference

THE FIRST PHASE OF THE NATIONAL CONVENTION

(For full titles see Key to Abbreviations, *supra*)

GENERAL

Secondary Works

Acton, pp. 240-268, 300-330 *passim*; Aulard, v. 2, pp. 144-158, 159-198 *passim*, 211-322 *passim*, v. 3, pp. 31-116, 152-191 *passim*; Bourne, pp. 183-202, 229-235 *passim*; Bradby, pp. 169-201; Brinton, pp. 64-108 *passim*, 109-116; C. H. B. F. P., v. 1, pp. 216-259 *passim*; C. M. H., v. 8, pp. 245-275, and ch. 14, 15, 23-25 *passim*; Deslandres, v. 1, pp. 192-195, 207-227, 256-273; Gasc-Desfosses, v. 3, pp. 1-263, 745-775 *passim*; Gershoy, pp. 228-256, 309-316 *passim*; Gottschalk, pp. 215-235, 278-279 *passim*; Hazen, v. 2, pp. 556-648; Henderson, pp. 295-347; Jaures, v. 3, pp. 160-442, 442-851 *passim*, and v. 4, pp. 855-1464,

1465-1824 *passim* [Mathiez ed., v. 4, pp. 368 ff., v. 6, 7, v. 8, pp. 5-126 *passim*]; Kropotkin, v. 2, pp. 309-406, 407-420 *passim*, 478-507 *passim*; L. and R., v. 8, pp. 160-176, 230-231 *passim*, and ch. 5, 6, 9-22 *passim*; L., G., and S., pp. 141-167, 168-198 *passim*, 199-206, 465-539 *passim*; Madelin, pp. 297-345; Masson, ch. 7 *passim*; Mathews, pp. 221-230; Mathiez, pp. 222-327; Pariset, pp. 1-113; Rambaud, v. 3, Book I *passim*; Rose, pp. 70-81; Sorel, v. 3, pp. 67-372, 373-506 *passim*; Stephens, pp. 116-129, 130-132 *passim*; Stephens, *French Revolution*, v. 2, pp. 156-246, 415-561 *passim*; Thompson, pp. 309-356, ch. 22 *passim* [Am, ed., pp. 338-390, ch. 22 *passim*]; Villat, pp. 175-206, 213-230, 292-298.

Primary Sources

A. P., v. 52-65, 71; B. and R., v. 19-27, v. 28, pp. 1-140; Bloch, pp. 1-59 *passim*, 399-410; Bloch, *Monnaie*, pp. 1-41 *passim*, 228-272, 519; Bourgin, pp. 241-260 *passim*, 304-307; C. and G., pp. 63-71, 78-80, 81-83, 173, 196, 200-204, 221, 227-235, 242, 244, 248-250, 252-253 *passim*, 258-260 *passim*, 271-273, 284, 294-295, 347, 365, 367-374, 374-376, 379, 383, 399-401, 415-417, 429-431 *passim*, 434-436, 467-471 *passim*, 411-414, 479-480, 481-484 *passim*; Caron, pp. 1-27 *passim*, 40-51; Clercq, v. 1, pp. 220-229; D. and M., pp. xxvi-xxxii, 35-66; Duvergier, v. 4, pp. 476 ff., v. 5, pp. 1-312; Helie, pp. 337-341 *passim*, 341-372; Higgins, pp. 257-293; Martens, v. 5, pp. 140-194 *passim*, 353-356, 365-372, 376-383, 401-479 *passim*, 522-568, and Table, pp. 44-47; *Moniteur*, v. 14, pp. 5 ff., v. 15, v. 16, pp. 1-532; Schmidt, pp. 1-29 *passim*, 133-151; Schmidt, *Industrie*, pp. 1-21 *passim*, 71; Schmidt, *Tableaux*, v. 1, pp. 87-379; Stephens, *Speeches*, v. 1, pp. 32-38

passim, 243-248, 326-389, 402-. 418, 422-474, and v. 2, pp. 158-167, 171-244, 287-298, 332-374; Thompson,

Witnesses, pp. 202-239.

SPECIAL

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ordre alphabetique des deutes et des suppleants d, la Convention nationale (Paris, 1889); Kerr, W. B., *The Reign of Terror, 1793-94; the Experiment of the Democratic Republic, and the Rise of the Bourgeoisie* (Toronto, 1927), Kuscinski, Auguste, *Dictionnaire des conventionnels* (Paris, 1920); Nussbaum,

F. L., *Commercial Policy in the French Revolution; a Study of the Career of*

G. /. A. Ducher (Washington, 1923); Perroud, C. M., *La proscription des Girondins, 1793-1795* (Toulouse, 1917); Rose, J. H., *William Pitt and the Great War* (London, 1914); Wallon, H. A., *Histoire du tribunal revolutionnaire de Paris avec le journal de ses actes*, 6 v. (Paris, 1880-1882), and *Les rep re-sentants du peuple en mission et la justice revolutionnaire dans les departements en Van 11 (1793-1794)*, 5 v. (Paris, 1889-1890), and *La revolution du 31 mai et le federalisme en 1793; . . .* (Paris, 1886).

[See also at the end of Chapter Four *supra*: works by Aulard, Braesch, Brin-ton, Dreyfus, Mortimer-

Ternaux.]

COUNTER-REVOLUTION AND EMIGRES: **see Chapter Three, *supra*, Section I, footnotes 1 and 3.**

FOREIGN RELATIONS: **see Chapter Three, *supra*, Section 1, footnotes 5 and 9.** WAR AND MILITARY AND NAVAL AFFAIRS: **see at end of Chapter Four, *supra*; see also Phipps, R. W., *The Armies of the First French Republic . . .*, 5 v. (London, 1926—1939), and Phillips, W. A., and Reede, A. H., *The Napoleonic Period* (New York, 1936).**

Primary Sources

Aulard, F. V. A., ed., *Recueil des actes du Comite de Salut public; avec la correspondance officielle des representants en mission et le registre du conseil execut'd provisoire*, 25 v. (Paris, 1889-1918); Guillaume, J., ed., *Proces-verbaux du Comite d'instruction publique de la Convention nationale*, 6 v. (Paris, 1891-1907).

[See also at end of Chapter Two, *supra*, works by Berville, Morris; and at end of Chapter Four, *supra*, works by Aulard, Debrett, Jomini, Mautouchet, Moore, Toumeux, Williams.]

BIOGRAPHY

[See statement at end of Chapter One, *supra*.]

[1](#)

See document 89, *supra*.

[2](#)

so j e ? the September massacres and the institution of the Revolutionary Iribunai.

[3](#)

For economic trends in general see: Clough, S. B., *France, a History of National Economics, 1789-1939* (New York, 1939), and Bogart, E. L., *Economic History of Europe, 1760-1939* (London and New York, 1932).

It should be noted here that, as indicated in Section VIII of Chapter Four, *supra*, discussion of the cultural and social trends during the period from September, 1792, to June, 1793, is reserved for Chapter Six, except for mention of the decree on rebel.

[4](#)

During the early months of 1793 the first *republican* money appeared. Speculation and counterfeiting apparently continued as may be deduced from the requen legislation against these practices. . r10 fnn

Concerning finances see: Bloch, *Monnaie*, pp. 1-41 *passim*, 228 272, 519 LPP-

40 give the financial agencies of the Revolution]; also references to document 26, *supra*.

[5](#)

A good example of these is the petition of 1 June [see *Moniteur*, 4 June, 1793, Rep., v. 16, pp. 544-545].

Among the leading Girondins placed under “arrest” were: Gensonne, Guadet, Brissot, Gorsas, Petion, Vergniaud, Barbaroux, Buzot, Rabaut de Saint-fitienne, Lan-juinais, and Lebrun. For further details see A. P., v. 65, p. 708. The “Commission” had been established to investigate the causes of the disturbances.

CHAPTER SIX--THE SECOND PHASE OF THE CONVENTION:

THE REIGN OF TERROR

(3 June, 1793-28 July, 1794)

I. THE CONSTITUTION OF '93

95. The Constitution of 1793, 24 June, 1793.

II. FEDERALISM, THE WAR CRISIS, AND THE LEVY EN MASSE

96. Decree against Profiteers, 26 July, 1793.

97. Decree Establishing the Levy *en masse*, 23 August, 1793.

III. THE ADVENT OF THE TERROR; MILITARY REORGANIZATION AND JACOBIN VICTORIES

98. Statement of French Foreign Policy, 17 November, 1793 (27 Brumaire, Year II).

IV. THE POLITICAL TERROR

99. The Law of Suspects, 17 September, 1793.

100. Declaration on Revolutionary Government, 10 October, 1793 (19 Vendemiaire, Year II).

101. The Constitution of the Terror, 4 December, 1793 (14 Frimaire, Year II).

V. THE ECONOMIC TERROR

102. Decree Establishing a Compulsory Loan, 3 September, 1793.

103. The Law of the Maximum, 29 September, 1793.

104. The Navigation Act, 21 September, 1793.

105. The Embargo on English Goods, 9 October, 1793 (18 Vendemiaire, Year II).

106. Decree Establishing a Uniform System of Weights and Measures, 1 August, 1793.

VI. THE DECHRISTIANIZATION MOVEMENT AND THE NEW CALENDAR

107. Decree concerning Religious Liberty, 8 December, 1793 (18 Frimaire, Year II).

108. Decree Establishing the French Era, 5 October, 1793 (14 Vendemiaire, Year II).

109. Decree relative to the New Calendar, 24 October, 1793 (3 Brumaire, Year II).

110. Decree Establishing the New Calendar, 24 November, 1793 (4 Frimaire, Year II).

VII. CULTURAL TRENDS DURING THE REIGN OF TERROR

111. Decree concerning Copyrights, 19 July, 1793.

112. Decree concerning Public Education, 19 December, 1793 (29 Frimaire, Year H).

VIII. FACTIONAL TERRORISM; THE REPUBLIC OF VIRTUE;

THE FALL OF ROBESPIERRE

113. Decree Replacing the Ministry with Twelve Commissions,

1 April, 1794 (12 Germinal, Year II).

114. The Ventose Decrees, 3 March, 1794 (13 Ventose, Year II).

115. Decree Establishing the Worship of the Supreme Being,

7 May, 1794 (18 Floreal, Year II). #

116. The Law of 22 Prairial, 10 June, 1794 (22 Prairial, Year II).

THE SECOND PHASE OF THE CONVENTION:

THE REIGN OF TERROR (*3 June, 1793-28 July, 1794*)

The immediate effects of the fall of the Girondins were favorable to Paris and to the Convention. The capital returned to peace and order, and the remaining deputies resumed their labors in an atmosphere of relative tranquillity. For more than a year the policies of the Convention were to be those of the Jacobins—of the Club, the Commune, and the Mountain.¹

One of the first major accomplishments of this Jacobin-dominated second phase of the Convention was the completion of the Constitution (I). Next came attempts to solve the problems created by the “federalist” revolt in the provinces and the reverses in war (II). The solution of these problems was found

in “Terror,” which soon turned defeat into victory (III), and which assumed three main forms—political (IV), economic (V), and ideological (VI, VIII).

The Reign of Terror was one of the most interesting phenomena of the French Revolution, even though it was not, as earlier historians were inclined to believe, the essence of the revolutionary movement. It must be considered merely as *one aspect* of the Revolution, an aspect which assumed the form of emergency government in a crisis. Although traditionally limited to the period from June, 1793, to July, 1794, terroristic practices had been employed as early as July, 1789, and were to be resumed even after July, 1794; and the principal elements in the machinery through which the Terror functioned had taken form between August, 1792, and June, 1793. One of the most interesting features of the period is that, whatever else occurred, the revolutionaries still could find time for cultural and social matters (VII).

As is apparently inevitable under such circumstances, terror developed terror within itself. Factional conflicts divided the revolutionary leaders, both “Ultras” and “Citras” went to the scaffold, and only Robespierre and his satellites were left in their “Republic of Virtue” (VIII). But this, too, was to prove shortlived. Fear, jealousy, and insecurity were to bring the downfall of Robespierre (VIII).

During the Reign of Terror, France experienced perhaps the peak of the revolutionary crisis. By the Summer of 1794 the crisis seemed to have passed, at least in foreign affairs. In the domestic sphere, however, many critical features persisted. The

efforts at constitutionalism had proved abortive, and the several elements of the emergency machinery which supplanted it still remained intact. The diverse economic measures of the Terror had succeeded in the prosecution of hostilities, but elsewhere they had occasioned hardship and dissatisfaction—

¹ See footnote 1, Chapter Five, *supra*, for members, etc. the entire economic structure remained badly in need of rehabilitation and stabilization. Factional struggles had resulted in the establishment of a dictatorship which, through terrorist means, had infused the populace with something akin to panic. Efforts had been made to replace the traditional Roman faith with a revolutionary gospel. And the bulk of the revolutionary leaders had departed this life.

Such was the situation facing the anti-Robespierre “rump” of the Convention which took charge of affairs, and under which that body was to pass through its third and final stage, the “Thermidorian Reaction.”

I. THE CONSTITUTION OF '93

Numerous matters had impeded the progress of the constitutional work which was to have been the prime concern of the Convention. Apart from the Girondin draft constitution, which was rejected on party grounds, and Robespierre's proposed declaration of rights, which had not been adopted, little evidence of constitutional accomplishment remained from the hectic first days of the Convention.

With the fall of the Girondins, the remaining deputies applied themselves energetically to the work of providing France with a new constitutional charter (95). The apparently sudden urge to complete the Constitution stemmed partly from the necessity of reconciling the differences between the provinces and the capital, partly from a desire to reassure property owners who feared Montagnard socialistic tendencies. As a consequence, the completed document was in many respects more a propagandist measure than a complete reflection of Jacobin philosophy.

Pending the submission of the Constitution to a national referendum, the deputies returned to the pressing issues occasioned by the federalist revolt and the foreign war.

95. The Constitution of 1793

24 June, 1793

SOURCE: D. and M., pp. 66-78 [by permission of R. Pichon and R. Durand-Auzias, Publishers, Paris]. See also: Duvergier, v. 5, pp. 352-358; A. P., v. 67, pp. 143-150; *Moniteur*, 27 June, 1793, Rep., v. 16, pp. 733-737; B. and R., v. 31, pp. 400-414;

Helie, pp. 376-384. . . ,7 A , . . „ ,

REFERENCES: Stephens, *French Revolution*, v. 2, App. V.; Aulard, V. Z, cn. a*

The Constitution of 1793 (or Constitution of the Year I, as it is sometimes called) provided France for the first time with a democratic, republican form of government—at least on paper; and after the fall

of Robespierre it was to reappear as the gospel of political democracy. Its chief defect was the omission of satisfactory provision for *social* democracy. This may be appreciated by comparing the declaration of rights prefaced to the Constitution with the one proposed by Robespierre.² The Constitution as a whole should be compared with that of 1791 and with the proposed Girondin one.³

In general the Constitution of 1793 realized the aims of the Montagnards. Its popular ratification and the provisions concerning the executive tended to restore unity in France. Its adequate recognition of property rights reassured the bourgeoisie. Unfortunately, the Constitution was never put into effect. By the month of August, when the delegates from the departments came to Paris to reaffirm the almost unanimous approval of the 2,000,000 citizens who had voted on ratification, it had become evident that, in view of the critical circumstances, the dissolution of the Convention and the election of a new government would be a hazardous procedure. Accordingly, the application of the Constitution was postponed indefinitely, and the Convention was declared in permanent session until the end of the war. By the time the emergency was past, the Constitution was to prove too radical for those in power, and it was supplanted by the more moderate Constitution of the Year III.⁴

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DECLARATION OF THE RIGHTS OF MAN AND CITIZEN⁵

The French people, convinced that forgetfulness of and contempt for the natural rights of man are the sole causes of the misfortunes of the world, have resolved to set forth these sacred and inalienable rights in a solemn declaration, in order that all citizens, being able constantly to compare the acts of the government with the aim of every social institution, may never permit themselves to be oppressed and degraded by tyranny, in order that the people may always have before their eyes the bases of their liberty and their happiness, the magistrate the guide to his duties, the legislator the object of his mission.

Accordingly, in the presence of the Supreme Being, they proclaim the following declaration of the rights of man and citizen.

1. The aim of society is the general welfare.

Government is instituted to guarantee man the enjoyment of his natural and inalienable rights.

2. These rights are equality, liberty, security, and property.

3. All men are equal by nature and before the law.

² Document 90, *supra*.

³ See D. and M., pp. 36-66. For comments on the Girondin document see: D. and

M., pp. xxvi-xxxii; Helie, pp. 384-386; Aulard, v. 2, pp. 159-184; Brinton, pp. 113-114»

⁴ Document 123, *infra*.

⁵ Cf. early draft, 29 May, 1793 [Duvergier, v. 5, pp. 307-308] and Robespierre's Proposed Declaration of Rights [document 90, *supra*]. Also, cf. Declaration of the rights of Man and Citizen, 1789 [document 17,] and Title I of the Constitution of 1791 [document 48, *supra*]. *injurious to the rights of others. It has nature for its principle, justice for its rule, law for its safeguard. Its moral limit lies in this maxim: Do not to others that which you do not wish to be done to you.*

4. Law is the free and solemn expression of the general will; it is the same for all, whether it protects or punishes; it may order only what is

just and useful to society; it may prohibit only what is injurious thereto.

5. All citizens are equally admissible to public office. Free peoples recognize no grounds for preference in their elections other than virtues and talents.

6. Liberty is the power appertaining to man to do whatever is not

7. The right of manifesting ideas and opinions, either through the press or in any other manner,⁶ the right of peaceful assembly, and the free exercise of worship may not be forbidden.

The necessity of enunciating these rights implies either the presence or the recent memory of despotism.

8. Security consists of the protection accorded by society to each one of its members for the

preservation of his person, his rights, and his property.

9. The law must protect public and individual liberty against the oppression of those who govern.

10. No one is to be accused, arrested, or detained, except in the cases determined by law and according to the forms prescribed thereby. Any citizen, summoned or seized by authority of the law, must obey immediately; he renders himself culpable by resistance.

11. Any act directed against a person, apart from the cases and without the forms determined by law, is arbitrary and tyrannical; if attempt is made to execute such act by force, the person who is the object thereof has the right to resist it by force.

12. Those who incite, dispatch, sign, or execute arbitrary acts, or cause them to be executed, are guilty and must be punished.

13. Since every man is presumed innocent until declared guilty, if his arrest is deemed indispensable, all severity unnecessary for securing his person must be severely curbed by law.

14. No one is to be tried and punished until after having been heard or legally summoned, and except by virtue of a law promulgated prior to the offence. A law that would punish offences committed before it existed would be tyranny; the retroactive effect of such a law would be a crime.

°Cf. decree against insurrectionary writings, 29 March, 1793 [Duvergier, v. 5, p.

230].

15. The law is to enact only penalties which are strictly and obviously necessary. Penalties must be proportionate to offences and useful to society.

16. The right of property is the right appertaining to every citizen to enjoy and dispose at will of his goods, his income, and the product of his labor and skill.

17. No kind of labor, tillage, or commerce may be forbidden the industry of citizens.

18. Every man may contract his services or his time; but he may not sell himself or be sold; his person is not an alienable property. The law does not recognize the status of servant; only a bond of solicitude and acknowledgment may exist between the employee and his employer.

19. No one may be deprived of the least portion of his property without his consent, unless a legally established public necessity requires it, and upon condition of a just and previous indemnity.

20. No tax may be established except for general utility. All citizens have the right to concur in the establishment of taxes, to supervise their use, and to have an account rendered thereof.

21. Public relief is a sacred obligation. Society owes subsistence to unfortunate citizens, either by procuring work for them or by providing the means of existence for those unable to work.^{[1](#)}

22. Education is necessary for everyone. Society must promote with all its power the advancement of public reason, and must place education within reach of all citizens.²

23. The social guarantee consists of the effort of all to assure to each the enjoyment and preservation of his rights; this guarantee is based upon national sovereignty.

24. It cannot exist if the limits of public functions are not clearly determined by law, and if the responsibility of all functionaries is not assured.

25. Sovereignty resides in the people; it is one and indivisible, imprescriptible, and inalienable.

26. No portion of the people may exercise the power of the entire people; but every section of the sovereign assembled is to enjoy the right to express its will with complete liberty.

27. Let any individual who would usurp sovereignty be put to death instantly by free men.

28. A people always has the right to review, reform, and amend its constitution. One generation may not subject future generations to its laws.

29. Every citizen has an equal right to concur in the formation of the law and in the selection of its mandataries or agents.

30. Public functions are essentially temporary; they may be considered as neither distinctions nor rewards, but only as duties.

31. Offences of mandataries and agents of the people must never go unpunished. No one has the right to consider himself more inviolable than others.

32. The right of presenting petitions to the depositaries of public authority may not be forbidden, suspended, or limited under any circumstances.

33. Resistance to oppression is the consequence of the other rights of man.

34. There is oppression against the social body when a single one of its members is oppressed. There is oppression against every member when the social body is oppressed.

35. When the government violates the rights of the people, insurrection is for the people, and for every portion thereof, the most sacred of rights and the most indispensable of duties.

CONSTITUTIONAL ACT

OF THE REPUBLIC⁹

1. The French Republic is one and indivisible.

OF THE DIVISION OF THE PEOPLE¹⁰

2. For the exercise of its sovereignty, the French people is divided into cantonal primary assemblies.

3. For administration and law, it is divided into departments, districts, and municipalities.

OF CITIZENSHIP¹¹

4. The following are admitted to the enjoyment of the rights of French citizenship:

Every man born and domiciled in France, fully twenty-one years of age; o Cf Constitution of 1791, Title II, art. 1 [document 48, *supra*]. io c'f Constitution of 1791, Title II, art. 1 [document 48, *supra*]. n cf Constitution of 1791, Title II, art. 2-6 [document 48, *supra*].

Every foreigner fully twenty-one years of age, who, domiciled in

- France for a year,

Lives there by his labor,

Or acquires property,

Or marries a French woman,

Or adopts a child,

Or maintains an old man;

Finally, every foreigner who is considered by the legislative body to have deserved well of humanity.

5. The exercise of the rights of citizenship is lost:

By naturalization in a foreign country;

By the acceptance of offices or favors emanating from a nonpopular government;

By condemnation to ignominious or corporal punishments, until-rehabilitation.

6. The exercise of the rights of citizenship is suspended:

By status of indictment;

By judgment of contempt of court, until such judgment is annulled.

OF POPULAR SOVEREIGNTY³

7. The sovereign people comprises all French citizens.

8. It shall elect its deputies directly.

9. It shall delegate to electors the choice of administrators, public arbiters, criminal judges, and judges in cassation.

10. It shall deliberate upon laws.

OF PRIMARY ASSEMBLIES⁴

11. The primary assemblies in each and every canton shall be composed of citizens domiciled there for six months.

12. They shall be composed of not fewer than 200 or more than 600 citizens summoned to vote.

13. They shall be constituted by the election of a president, secretaries, and tellers.

14. They shall have charge of their own policing.

15. No one bearing arms may appear therein.

16. Elections shall be conducted by ballot or by word of mouth at the option of each voter.

17. Under no circumstances may a primary assembly prescribe a uniform method of voting.

18. The tellers shall declare the vote of citizens who, unable to write, choose to vote by ballot.

19. Votes on laws shall be indicated by *yes* or *no*.

20. The will of the primary assembly shall be proclaimed thus: *The*

citizens united in primary assembly of_ to the number of

-voters, vote for or against, by a majority of__

OF NATIONAL REPRESENTATION

21. Population is the sole basis of national representation.

22. There shall be one deputy for every 40,000 individuals.

23. Every group of primary assemblies, from a population of between 39,000 and 41,000 inhabitants, shall elect one deputy directly.¹⁴

24. The election shall be effected by absolute majority of votes. .25. Every assembly shall examine the votes, and shall send a commissioner, for the general return, to the place designated as most central.

26. If the first return does not give an absolute majority, a second roll call shall be held, and a vote taken between the two citizens who have obtained the most votes.

27. In case of equality of votes, the elder shall have the preference, whether as the one to be voted upon or as the one to be elected. In case of equality of age, decision shall be made by lot.

28. Every Frenchman who enjoys the rights of citizenship is eligible throughout the extent of the Republic.

29. Every deputy belongs to the entire nation.

30. In case of the nonacceptance, resignation, forfeiture, or death of a deputy, the primary assemblies which elected him shall provide for his replacement.

31. A deputy who has proffered his resignation may not leave his post until after the admittance of his successor.

32. The French people shall assemble annually, on the 1st of May, for the elections.

33. They shall proceed thereto, whatever the number of citizens who have the right to vote.

34. The primary assemblies shall constitute themselves extraordinarily, upon the request of one-fifth of the citizens who have the

35. In such case, convocation shall be effected by the municipality of the usual place of assembly.

36. Such special assemblies shall deliberate only when one-half plus one of the citizens who have the right to vote therein are present.

OF ELECTORAL ASSEMBLIES

37. The citizens gathered in primary assemblies shall choose one elector for every 200 citizens, present or not; two for from 301 to 400; three for from 501 to 600.

38. The holding of electoral assemblies and the method of elections shall be the same as in the primary assemblies.

OF THE LEGISLATIVE BODY⁵

39. The Legislative Body is one, indivisible, and permanent.

40. Its session is of one year's duration.

41. It shall assemble on the 1st of July.

42. The National Assembly may not constitute itself unless it is composed of at least one-half of the deputies plus one.

43. The deputies may not be called to account, accused, or tried, at any time, for opinions expressed within the Legislative Body.

44. In criminal matters they may be arrested *flagrante* ; but neither warrant of arrest nor warrant of apprehension may be issued against them without authorization of the Legislative Body.⁶

HOLDING OF SESSIONS OF THE LEGISLATIVE BODY⁷

45. Sessions of the National Assembly shall be public.

46. The *proces-verbaux* of its sessions shall be printed.

47. It may not deliberate unless at least 200 members are present.

48. It may not refuse its members permission to speak, in the order in which they claim it.

49. Its decisions shall be determined by majority vote.

50. Fifty members have the right to demand a roll call.

51. It shall have the right of censure upon the conduct of its members within its midst.

52. It shall have charge of its police in the place of its sessions, and within the external precincts it has determined.

OF THE FUNCTIONS OF THE LEGISLATIVE BODY¹⁸

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53. The Legislative Body shall propose laws and render decrees.

54. Included under the general name of *law* are acts of the Legislative Body concerning:

Civil and criminal legislation;

General administration of the revenues and ordinary expenditures of the Republic;

The national domains;

The standard, weight, stamp, and denomination of monies;

The nature, amount, and collection of taxes;

Declaration of war;

Every new general division of French territory;

Public instruction;

Public honors to the memory of great men.

55. Included under the special name of *decree* are acts of the Legislative Body concerning:

The annual establishment of forces, on land and sea;

Permission or prohibition of the passage of foreign troops over French territory;

The introduction of foreign naval forces into the ports of the Republic;

Measures of general security and order;

The annual and temporary distribution of relief and public works; Orders for the manufacture of monies of every sort;

Unforeseen and extraordinary expenditures;

Local and special measures for an administration, a commune, or a type of public works;

The defence of territory;

Ratification of treaties;

Appointment and dismissal of commanders in chief of the armies; Prosecution of members of the council and public officials; Indictment of those accused of plots against the general security of the Republic; is cf. Constitution of 1791, Title III, Ch. III, sec. 1 [document 48, *supra*].

Every alteration in the partial division of French territory,

National rewards.

OF THE FORMATION OF LAW⁸

56. Proposed laws shall be preceded by a report.

57. The discussion may not open and the law may not be provisionally decreed until a fortnight after the report.

58. The report shall be printed and dispatched to all communes of the Republic, under the title of *proposed law*.

59. Forty days after the dispatch of the *proposed law*, if in one-half of the departments plus one, one-tenth of the regularly constituted primary assemblies of each of them has not objected, the proposal shall be accepted and shall become *law*.

60. If there is objection, the Legislative Body shall convoke the primary assemblies.

OF THE TITLE OF LAWS AND DECREES⁹

61. Laws, decrees, judgments, and all public acts shall be entitled:

In the name of the French people, year_of the French Republic.

OF THE EXECUTIVE COUNCIL¹⁰

62. There shall be an Executive Council composed of twenty-four members.

63. The electoral assembly of each and every department shall choose a candidate. The Legislative Body shall select the members of the council from the general list.

64. It shall be renewed by one-half at every legislature, during the last months of its session.

65. The council shall be responsible for the direction and supervision of general administration; it may act only in execution of the laws and decrees of the Legislative Body.

66. It shall appoint, from outside its own body, the principal agents of the general administration of the Republic.

67. The Legislative Body shall determine the number and the duties of said agents.

68. Said agents do not constitute a council; they are separated, without direct relations among themselves; they do not exercise any personal authority.²²

69. The council shall appoint, from outside its own body, the external agents of the Republic.

70. It shall negotiate treaties.²³

71. In cases of prevarication, members of the council shall be impeached by the Legislative Body.

72. The council shall be responsible for failure to execute laws and decrees, and for abuses which it does not denounce.

73. It shall dismiss and replace the agents within its appointment.

74. It is required to denounce them, if need be, before the judicial authorities.

OF THE RELATIONS OF THE EXECUTIVE COUNCIL WITH THE LEGISLATIVE BODY²⁴

75. The Executive Council shall reside near the Legislative Body; it shall have free access to and a separate place in the hall thereof.

76. It shall be heard whenever it has a statement to make.

77. The Legislative Body shall summon it into its midst, in whole or in part, whenever it appears advisable.

OF ADMINISTRATIVE AND MUNICIPAL BODIES²⁵

78. In each and every commune of the Republic there shall be a municipal administration;

In each and every district, an intermediate administration;

In each and every department, a central administration.

79. The municipal officials shall be elected by the communal assemblies.

80. The administrators shall be elected by the departmental and district electoral assemblies.

81. The municipalities and administrations shall be renewed annually by one-half.

82. The administrators and municipal officials shall have no representative character.

²² For articles 66-68, cf. Constitution of 1791, Title III, Ch. II, sec. 4 [document 48,

²³cf Constitution of 1791, Title III, Ch. IV, sec. 3 [document 48, *supra*].

²⁴ Cf. Constitution of 1791, Title III, Ch. III, sec. 4 [document 48, *supra*].

²⁵ Cf Constitution of 1791, Title III, Ch. IV, sec. 2 [document 48, *supra*].

They may not, under any circumstances, alter or suspend the execution of acts of the Legislative

Body.

83. The Legislative Body shall determine the duties of the municipal officials and administrators, the rules of their subordination, and the penalties they may incur.

84. Sessions of the municipalities and administrations shall be public.

OF CIVIL JUSTICE²⁸

85. The code of civil and criminal laws shall be uniform throughout the Republic.

86. No infringement may be made upon the right of citizens to have arbiters of their own choice pass upon their differences.

87. The decision of such arbiters shall be definitive, unless the citizens have reserved the right to protest.

88. There shall be justices of the peace, elected by the citizens in *arrondissements* determined by law.

89. They shall conciliate and judge without charge.

90. Their number and competence shall be regulated by the Legislative Body.

91. There shall be public arbiters elected by the electoral assemblies.

92. Their number and *arrondissements* shall be established by the Legislative Body.

93. They shall have cognizance of disputes not definitively terminated by private arbiters or by the justices of the peace.

94. They shall deliberate in public.

They shall give their opinions orally.

They shall resolve in the last resort, upon verbal defence or simple memorandum, without proceedings and without charge.

They shall justify their decisions.

95. The justices of the peace and the public arbiters shall be elected annually.

OF CRIMINAL JUSTICE

96. In criminal matters citizens may be judged only upon an indictment received by the jurors or decreed by the Legislative Body.

The accused shall have counsel, chosen by themselves or officially appointed.

²⁶ For articles 85-100 cf. Constitution of 1791, Title III, Ch. V [document 48 *supra*]. *

Examination shall be public.

Fact and intent shall be declared by a trial jury.

The penalty shall be imposed by a criminal court.

97. The criminal judges shall be elected annually by the electoral assemblies.

OF THE COURT OF CASSATION

98. There shall be one Court of Cassation for the entire Republic.

99. Said court does not take cognizance of the bases of suits.

It shall pass upon the violation of forms and upon express infractions of the law.

100. The members of said court shall be elected annually by the electoral assemblies.

OF PUBLIC TAXES²⁷

101. No citizen is exempt from the honorable obligation to contribute to public expenses.

OF THE NATIONAL TREASURY

102. The National Treasury is the focal point of the receipts and expenditures of the Republic.

103. It shall be administered by responsible agents, appointed by the Executive Council.

104. Said agents shall be supervised by commissioners, appointed by the Legislative Body from outside its membership, and responsible for abuses which they do not denounce.

OF ACCOUNTS

105. The accounts of agents of the National Treasury and of administrators of public revenues

shall be rendered annually to responsible auditors appointed by the Executive Council.

106. Such auditors shall be supervised by commissioners, appointed by the Legislative Body, from outside its membership, and responsible for abuses and errors which they do not denounce.

The Legislative Body shall settle the accounts.

²⁷ For articles 101-106 cf. Constitution of 1791, Title V [document 48, *supra*].

OF THE FORCES OF THE REPUBLIC²⁸

107. The general force of the Republic is composed of the entire people.

108. The Republic shall maintain in its pay, even in time of peace,

an armed force on land and sea.

109. All Frenchmen shall be soldiers; all shall be trained in the handling of arms.

110. There shall be no generalissimo.

111. Differences of rank, their distinctive insignia, and subordination shall exist only in relation to service and throughout its duration.

112. .The public force employed to maintain peace and order within the interior shall act only upon the written requisition of the constituted authorities.

113. The public force employed against enemies from abroad shall act under the orders of the Executive Council.

114. No armed body may deliberate.

OF NATIONAL CONVENTIONS ²⁹

115. If, in one-half of the departments plus one, one-tenth of the regularly constituted primary assemblies of each of them demands the revision of the Constitutional Act or the amendment of some of its articles, the Legislative Body shall be required to convoke all the primary assemblies of the Republic to ascertain if there is occasion for a National Convention.

116. The National Convention shall be constituted in the same

|

manner as the legislatures, and shall possess the powers thereof.

117. It shall concern itself, relative to the Constitution, only with the matters motivating its convocation.

OF THE RELATIONS OF THE FRENCH REPUBLIC

WITH FOREIGN NATIONS³⁰ [11](#) [12](#)

120. They give asylum to foreigners who are banished from their homelands for the cause of liberty.

They refuse it to tyrants.

121. They do not make peace with an enemy who is occuDvin? their territory. ®

OF THE GUARANTEE OF RIGHTS

122. The Constitution guarantees all Frenchmen equality, liberty, security, property, the public debt, the free exercise of worship, universal education, public relief, unlimited liberty of the press, the right of petition, the right to assemble in popular societies, the enjoyment of all the rights of man.³¹

123. The French Republic honors loyalty, courage, old age, filial piety, and misfortune. It entrusts the depository of its Constitution to the custody of all the virtues.

124. The Declaration of Rights and the Constitutional Act shall be graven upon plaques in the midst of the Legislative Body and in public places.³²

II. FEDERALISM, THE WAR CRISIS, AND THE LEVY EN MASSE

The “federalist revolt”—the widespread disorder which followed the proscription of the Girondins—was exploited by the real counter-revolutionaries, especially the royalists. Their plans involved a march on Paris backed by a British coastal attack on Toulon. And, as if the “revolt” and the waging of what now seemed to be a losing war were not enough for the “Jacobin” Convention, the deputies and the Committee had to face the necessity of

alleviating the economic distress occasioned by food shortages and continued financial complications.

A group of ultra-revolutionaries (later to become known as the Hebertists) continued to attack the Convention in the hope of gaining the support of the poorer elements in Paris. A new insurrection seemed imminent, and in an attempt to meet the situation, the Committee of Public Safety managed to obtain enough grain to provision the capital temporarily. As yet, however, the Convention was not prepared to gratify the demands of the extremists for government “controls.” For the moment, its greatest concessions were the closing of the Bourse (as a check upon speculation) and the designation of profiteering as a capital crime (96).

³¹ Cf Constitution of 1791, Title I [document 48, *supra*],

³² For arts. 123, 124 cf. Constitution of 1791, Miscellaneous Provisions [document 48, *supra*].

On 10 July, following criticisms for its failure to check internal disorders more promptly, the Committee of Public Safety had been reorganized with nine members. The new personnel, predominantly Montagnard in sympathy, favored vigorous action against all enemies of the Revolution, and opposed the type of conciliatory policies previously followed by Danton. During the Summer of 1793 this Committee assumed dictatorial control of France.

The month of July witnessed two additional events of importance. On 13 July Marat was assassinated, and

with Marat dead and Danton under suspicion, Robespierre alone remained to provide leadership for the Mountain. During this and the following month the federalist revolt collapsed—as much from lack of strength and unified command as from measures taken by the Committee of Public Safety. By September, except for Lyons and Toulon (and, of course, the Vendee), the greater part of the disaffected areas had been restored to order.

The opening of August, 1793, saw the enactment of numerous decrees designed to facilitate the prosecution of the war.³³ The delegates to the festival of 10 August brought with them demands for prosecution of suspected persons and for the effecting of national unity in the crisis. National unity, as they saw it, implied direct and forceful action against the domestic and foreign enemies of the Revolution. This might well necessitate something in the nature of universal conscription. At first the deputies hesitated to take such action, but finally, under pressure from the Jacobins and the departmental delegates, they resorted to the principle of a levy *en masse* (97).

By the Autumn of 1793, then, the foundations had been laid for the consolidation of the emergency government machinery into an institutional structure designed for action and ultimately productive of military reorganization and victories.

96. Decree against Profiteers

26 July, 1793

SOURCE: Duvergier, v. 6, pp. 58-59 [omits preamble].
See also: A. P., v. 69, pp. 594-595; *Moniteur*, 29 July, 1793, Rep., v. 17, pp. 247-248; B. and R., v. 28, pp. 367-371.

This decree was the first of a series of attempts to restrict speculation and profiteering, and is reminiscent of modern “black market” operations. It was the logical antecedent of the Law of the Maximum.³⁴

* * *

1. Monopoly is a capital crime.

2. Those who keep out of circulation essential merchandise or commodities, which they buy and hold stored in any place whatsoever

³³ For example, the decree of 1 August, requisitioning druggists and doctors [Duvergier, v. 6, pp. 67—68]; cf. document 97, *infra*.

³⁴ Document 105, *infra*. *without offering them for sale daily and publicly, are declared guilty of monopoly.*

3. Those who cause essential commodities and merchandise to perish, or wilfully allow them to perish, likewise are declared monoD-olists. ✓

4. The essential commodities and merchandise are: bread, meat, wine, grain, flour, vegetables, fruit, butter, vinegar, cider, brandy, charcoal, tallow, wood, oil, soda, soap, salt, dried, smoked, salted, or pickled meat and fish, honey, sugar, hemp, paper, worked and unworked wool, hides, iron and steel,

copper, clothing, linen, and generally all stuffs, as well as the raw materials used in their manufacture, excepting silk goods.

5. During the week following the proclamation of the present decree, those who have on hand, in any place whatsoever in the Republic, any of the merchandise or commodities designated in the preceding article, shall be required to make a declaration thereof to the municipality or section in which the store of the said commodities or merchandise is situated. The municipality or section shall have the existence thereof verified, as well as the nature and quantity of the items contained therein, by a commissioner whom it shall appoint for such purpose. The municipalities or sections are authorized to grant him an indemnity on behalf of the operations with which he is charged, which indemnity shall be determined by a decision made in a general assembly of the municipality or section.

6. The verification completed, the owner of the commodities or merchandise shall declare to the commissioner, on the summons made to him therefor and issued in writing, whether he wishes to offer the said commodities or merchandise for sale, in small lots and to all comers, three days, at the latest, after his declaration. If he consents thereto, the sale shall be held in such manner, without interruption or delay, under the supervision of the commissioner appointed by the municipality or section.

7. If the owner will not or cannot hold said sale, he shall be required to submit to the municipality or the

section a copy of the invoices of prices pertaining to the merchandise verified as present in the store. The municipality or section shall give him an acknowledgment thereof, and shall then charge a commissioner with holding the sale thereof, according to the manner above indicated, fixing the price so that the owner may receive, if possible, a commercial profit according to the invoices communicated. If, however, the high price of the invoices makes such profit impossible, the sale thereof shall take place. nevertheless, without interruption, at the current price of said merchandise; it shall also take place, in the same manner, if the owner is unable to produce any invoice. The amounts resulting from the proceeds of such sale shall be remitted to him as soon as it is finished, the expenses incurred being first deducted from said proceeds.

8. One week after publication and proclamation of the present decree, those who have not made the declarations prescribed thereby shall be considered monopolists, and, as such, punished with death; their property shall be confiscated, and the commodities or merchandise which constitute a part thereof shall be placed on sale as indicated in the preceding articles.

9. Those convicted of making false declarations, or of countenancing substitutions of names of persons or property relative to warehouses and merchandise, likewise shall be punished with death. Public functionaries, as well as the commissioners appointed to effect the sales, who are convicted of abusing their offices to protect monopolists, also shall be punished with death.

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10. Merchants who hold merchandise wholesale in cords, in bales, or in tuns, and merchants selling retail who are known to have stores, shops, or warehouses open to buyers, shall be required, one week after the publication of the present decree, to post on the outside of each of said stores, warehouses, or shops a statement announcing the nature and quantity of the essential merchandise and commodities stored therein, as well as the name of the owner; in default of which they shall be considered monopolists. Manufacturers shall be obliged, under the same penalty, to declare the nature and quantity of the raw materials which they have in their shops, and to justify the use thereof.

11. Army contractors, other than the wholesalers and retailers mentioned in the preceding article, shall furnish their municipalities or sections with a certificate of the agreements they have made with the Republic; they shall indicate the purchases they have made in connection therewith, as well as the stores or warehouses they have established. If it be proved that such warehouses or stores are not necessitated by the terms of the agreements, and that the essential commodities or merchandise stored therein are not intended for the armies, those who have established such stores or depositories shall be treated as monopolists.

12. Every citizen who reports monopolies, or any contraventions whatsoever of the present decree, shall receive one-third of the proceeds of the merchandise and commodities subject to confiscation; another third shall be distributed

among the indigent citizens of the municipality in the precincts of which the items reported are found; the last third shall belong to the Republic.

Anyone who reports merchandise or commodities wilfully destroyed shall receive compensation in proportion to the importance of the accusation.

The proceeds from all other merchandise and commodities confiscated by virtue of the present decree shall be distributed, half and half, between the indigent citizens of the municipality which has conducted the said confiscations and the Republic.

13. Judgments rendered by the criminal courts, by virtue of the present law, shall not be subject to appeal. A special decree of the National Convention or the Legislative Body shall announce the time when the present decree shall cease to have effect.

14. As soon as the present decree has reached the constituted authorities, they shall order the reading thereof in their public session, and shall have it posted and proclaimed at the sound of a drum, in order that no one may plead ignorance thereof.

97. Decree Establishing the Levy *en masse*

23 August, 1793

SOURCE: Duvergier, v. 6, pp. 107-108 [omits brief formal preamble]. See also:

A. P.(v. 72, pp. 674-675; *Moniteur*, 25 August, 1793, Rep., v. 17, p. 478; B. and R., v. 28, pp. 469-471.

REFERENCES: **Documents 59, 80, 82, *supra*.**

The Levy *en masse* derived directly from a decree of 16 August, 1793, establishing the principle of a universal levy. It represents the first complete wartime mobilization of a nation in modern history, and reflects the zealous spirit current in France. It was one of the most vigorous manifestations of nationalism during the entire Revolution, and it suggests why the French were able to check foreign invasion. Deputies were sent into the departments to requisition supplies and to supervise recruiting. Scientists, workers, and industrialists were pressed into service. Forges were erected, and a drive for essential raw materials was inaugurated. Despite inevitable profiteering and inefficiency, the job, on the whole, was well done.

*** * ***

1. Henceforth, until the enemies have been driven from the territory of the Republic, the French people are in permanent requisition for army service.

The young men shall go to battle; the married men shall forge arms and transport provisions; the women shall make tents and clothes, and shall serve in the hospitals; the children shall turn old linen into lint; the old men shall repair to the public places, to stimulate the courage of the warriors and preach the unity of the Republic and hatred of kings.

2. National buildings shall be converted into barracks; public places into armament workshops;

the soil of cellars shall be washed in lye to extract saltpeter therefrom.

3. Arms of caliber shall be turned over exclusively to those who march against the enemy; the service of the interior shall be carried on with fowling pieces and sabers.^{[13](#)}

4. Saddle horses are called for to complete the cavalry corps; draught horses, other than those employed in agriculture, shall haul artillery and provisions.

5. The Committee of Public Safety is charged with taking all measures necessary for establishing, without delay, a special manufacture of arms of all kinds, in harmony with the *elan* and the energy of the French people. Accordingly, it is authorized to constitute all establishments, manufactories, workshops, and factories deemed necessary for the execution of such works, as well as to requisition for such purpose, throughout the entire extent of the Republic, the artists and workmen who may contribute to their success. For such purpose a sum of 30,000,000, taken from the 498,200,000 livres in *assignats* in reserve in the "Fund of the Three Keys," shall be placed at the disposal of the Minister of War. The central establishment of said special manufacture shall be established at Paris.

6. The representatives of the people dispatched for the execution of the present law shall have similar authority in their respective *arrondissements*, acting in concert with the Committee of Public Safety; they are invested

with the unlimited powers attributed to the representatives of the people with the armies.

7. No one may obtain a substitute in the service to which he is summoned. The public functionaries shall remain at their posts.

8. The levy shall be general. Unmarried citizens or childless widowers, from eighteen to twenty-five years, shall go first; they shall meet, without delay, at the chief town of their districts, where they shall practice manual exercise daily, while awaiting the hour of departure.

9. The representatives of the people¹⁴ shall regulate the musters and marches so as to have armed citizens arrive at the points of assembling only in so far as supplies, munitions, and all that constitutes the material part of the army exist in sufficient proportion.

10. The points of assembling shall be determined by circumstances, and designated by the representatives of the people dispatched for the execution of the present decree, upon the advice of the generals, in co-operation with the Committee of Public Safety and the provisional Executive Council.

11. The battalion organized in each district shall be united under a banner bearing the inscription: *The French people risen against tyrants.*

12. Such battalions shall be organized according to established decrees, and their pay shall be the same as that of the battalions at the frontiers.

13. In order to collect supplies in sufficient quantity, the farmers and managers of national property shall deposit the produce of such property, in the form of grain, in the chief town of their respective districts.

14. Owners, farmers, and others possessing grain shall be required to pay, in kind, arrears of taxes, even the two-thirds of those of 1793, on the rolls which have served to effect the last payment.

[Articles 15 and 16 name assistants to the Deputies on Mission—among them Chabot and Tallien—and give orders to the envoys of the primary assemblies concerning the mission assigned them.]

17. The Minister of War is responsible for taking all measures necessary for the prompt execution of the present decree; a sum of

50,000,000, from the 498,200,000 *livres* in *assignats* in the “Fund of the Three Keys,” shall be placed at his disposal by the National

Treasury.

18. The present decree shall be conveyed to the departments by special messengers.

III. THE ADVENT OF THE TERROR;

MILITARY REORGANIZATION AND JACOBIN VICTORIES

In September, 1793, domestic disorder and military defeats brought further consolidation and direction of the emergency governmental machinery. On the fifth of the month, “Terror” was declared the order

of the day. On the same day the last major reorganization of the Revolutionary Tribunal prior to May of 1794 was effected. And, a few days later, the Jacobin Clubs were incorporated into the government.

September brought also the first victory under the new Jacobin dispensation —at Hondschoote against the British. The succeeding months saw the Austrians checked at Wattignies and the Prussians at Wissembourg, while the Spaniards withdrew to the frontier and the enemy was driven out of Savoy. It was not long before the revitalized Republican armies assumed the offensive, and during this military rejuvenation the Convention issued an illuminating statement of its foreign policy (98).

At the same time, further reduction of internal insurrection was taking place. Lyons surrendered, and attention was then turned to the principal remaining center of disturbance, Toulon. There in December a young artillery officer, Napoleon Bonaparte, first attracted the attention of the revolutionary leaders by his brilliant strategy which resulted in the expulsion of the English from that port. Moreover, by the close of the year much of the Vendee insurrection had been dissipated.

Meanwhile, the Committee of Public Safety was gradually strengthening its position through a series of measures extending and organizing the “terror” machinery in both political and economic spheres,

98. Statement of French Foreign Policy

17 November, 1793 (27 Brumaire, Year II)

SOURCE: **Duvergier, v. 6, pp. 288-289. See also: A. P., v. 79, p. 377; Clercq, v. 1, pp. 229-230.**

REFERENCES: **Documents 55, 75, 76, 88, *supra*.**

Robespierre was directly responsible for this statement. In a sense it was the Jacobin counterpart of the Girondin propagandist decrees and statements on foreign policy. Students should note the significant references to the United States of America and Switzerland.

*** * ***

The National Convention, wishing to manifest before the eyes of all peoples the principles which guide it and which are to regulate the relations of all political societies; wishing at the same time to frustrate the maneuvers employed by the enemies of the Republic to make her intentions suspect by her allies, and especially by the Swiss cantons and the United States of America, decrees as follows:

1. The National Convention declares, in the name of the French people, that it firmly intends to be terrible towards its enemies, generous towards its allies, and just towards all peoples.

2. The treaties which bind France to the United States of America and to the cantons will be faithfully observed.

3. As for modifications which might be necessitated by the Revolution which has changed the French government, or by the general and

special measures which the Republic is obliged to take for the defence of its independence and its liberty, the National Convention relies on the reciprocal loyalty and the common interest of the French nation and its allies.

4. It enjoins citizens, and all civil and military agents of the Republic, to respect the territory of allied or neutral nations, and to see that it is respected.

5. The Committee of Public Safety is charged with concerning itself with means of drawing still closer the bonds of alliance and friendship which unite the French Republic with the Swiss cantons and the United States or America.

6. In all discussions on the various subjects of respective claims, it will prove to the cantons and the United States, by all means compatible with the imperative circumstances in which the Republic finds itself, the sentiments of equity, benevolence, and esteem which the

French nation entertains for them.

7. The present decree and the report of the Committee of Public Safety shall be printed, translated into all languages, distributed throughout all parts of the Republic and into foreign countries, to attest to the universe the principles of the French nation and the attempts of its enemies against the general security of all peoples.

IV. THE POLITICAL TERROR

The principal elements in the machinery through which the Terror functioned had already taken form between August, 1792, and June, 1793. The Mountain inherited the Revolutionary Tribunal, the Committee on Public Safety, the

Committee of General Security, the Watch Committees, and the Deputies on Mission. The significant feature of the period of Jacobin domination of the Revolution was the consolidation, extension, and application, rather than the *creation*, of emergency government devices, and the substantiation of such action by a vigorous ideology which caused the Terror ultimately to assume a religious character.

The first significant step in the aforementioned process took the form of the famous Law of Suspects (99), which was followed shortly by a decree providing that the government of France was to be “revolutionary” until the close of the war (100).

In October the Revolutionary Tribunal began that phase of its work which has come to be an integral part of the blood annals of history. Among the first victims of the public executioner were the Queen, some twenty-one of the proscribed Girondins, the Duke of Orleans, Bailly, Madame Roland, and Barnave. In the provinces the Terror was more savage than in the capital. The slaughter cannot be condoned, but it may be understood in view of the fear of enemies of the Revolution. From the point of view of the leaders, it was a matter of expediency.

While the revolutionary blade was shearing off the heads of political enemies, the final work of consolidating the terrorist machinery was taking form. It was completed in a definitive decree of 4 December, 1793 (101).

Such, in essence, was the Political Terror. Even more necessary than emergency political devices, however, were special measures to meet the economic exigencies of the moment. The efforts in this direction are to be found in the Economic Terror.

[1](#)

See decree on public relief [document 92, *supra*].

[2](#)

See Condorcet's report on education [document 73, *supra*] and subsequent legislation [documents 112, 124-130, *infra*].

[3](#)

Cf. Constitution of 1791, Title III, Preamble [document 48, *supra*].

[4](#)

Cf. Constitution of 1791, Title III, Ch. I, secs..2-4 [document 48, *supra*].

[5](#)

Cf. Constitution of 1791, Title III, Preamble, and Ch. I, preamble and sec. 5 [document 48, *supra*].

[6](#)

Cf. Decree revoking the inviolability of members of the Convention, 1 ADril 1793 [Duvergier, v. 5, p. 233].

[7](#)

Cf. Constitution of 1791, Title III. Ch. III, sec. 2 [document 48, *supra*].

[8](#)

Cf. Constitution of 1791, Title III, Ch. IV, sec. 1 [document 48, *supra*].

[9](#)

Cf. Constitution of 1791, Title III, Ch. IV, sec. 1 [document 48, *supra*].

[10](#)

Cf. Constitution of 1791, Title III, Ch. IV, preamble [document 48, *supra*].

[11](#)

The French people are the friends and natural allies of free peoples.

[12](#)

They do not interfere in the government of other nations; they do not permit other nations to interfere in theirs.

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²⁸ Cf. Constitution of 1791, Title IV [document 48, *supra*],

²⁹ Cf. Constitution of 1791, Title VII [document 48, *supra*].

³⁰ Cf. Constitution of 1791, Title VI [document 48, *ji/pra*].

[13](#)

The distinction here is obviously between what today would be called rifles and shotguns.

[14](#)

i.e., those dispatched for this work.

99. The Law of Suspects

17 September, 1793

SOURCE: Duvergier, v. 6, pp. 172-173 [omits brief formal preamble]. See also:

A. P., v. 74, pp. 303-304; *Moniteur*, 19 September, 1793, Rep., v. 17, pp. 680-681;

B. and R., v. 29, pp. 109-110 [omits preamble].

It would be more accurate to call this document “The Law of Suspected Persons,” but usage has caused it to be known by the title here given. This law was necessary for national security, but its vague terms and comprehensive character gave promise of inevitable abuses in application. It provided the Revolutionary Tribunal with material which heretofore had been lacking owing to scarcity of evidence.

1. Immediately after the publication of the present decree, all suspected persons within the territory of the Republic and still at liberty shall be placed in custody.

2. The following are deemed suspected persons: 1st, those who, by their conduct, associations, talk, or writings have shown themselves partisans of tyranny or federalism and enemies of liberty; 2nd, those who are unable to justify, in the manner prescribed by the decree of 21 March last,³⁷ their means of existence and the performance of their civic duties; 3rd, those to whom certificates of patriotism have been refused; 4th, public

functionaries suspended or dismissed from their positions by the National Convention or by its commissioners, and not reinstated, especially those who have been or are to be dismissed by virtue of the decree of 14 August last;⁸⁸ 5th, those former nobles, husbands, wives, fathers, mothers, sons or daughters, brothers or sisters, and agents of the *emigres*, who have not steadily manifested their devotion to the Revolution; 6th, those who have emigrated during the interval between 1 July, 1789, and the publication of the decree of 30 March-8 April, 1792,³⁹ even though they may have returned to France within the period established by said decree or prior thereto.

3. The Watch Committees established according to the decree of 21 March last,¹ or those substituted therefor, either by orders of the representatives of the people dispatched to the armies and the departments, or by virtue of particular decrees of the National Convention, are charged with drafting, each in its own *arrondissement*, a list of suspected persons, with issuing warrants of arrest against them, and with having seals placed on their papers. Commanders of the public force to whom such warrants are remitted shall be required to put them into effect immediately, under penalty of dismissal.

4. The members of the committee may order the arrest of any individual only if seven are present, and only by absolute majority of votes.

5. Individuals arrested as suspects shall be taken first to the jails of the place of their detention; in default of jails, they shall be kept under surveillance in their respective dwellings.

6. Within the following week, they shall be transferred to national buildings, which the departmental administrations shall be required to designate and to have prepared for such purpose immediately after the receipt of the present decree.

7. The prisoners may have their absolutely essential belongings

37 Order for the establishment of watch committees [document 84, J].

38 This probably refers to the law on the organization of registry offices [Duvergier,

v. 6, pp» 91]• , . a l

39 Decree relative to the property of *tmigris* [Duvergier, v. 4,, pp. 93-10j. brought into said buildings; they shall remain there under guard until the peace.

8. The expenses of custody shall be charged to the prisoners, and shall be divided among them equally: such custody shall be confided preferably to fathers of families and to the relatives of citizens who are at or may go to the frontiers. The salary therefor is established, for each man of the guard, at the value of one and one-half days of labor.

9. The Watch Committees shall dispatch to the Committee of General Security of the National Convention, without delay, the list of persons whom they have arrested, with the reasons for their arrest and with the papers they have seized in such connection.

10. If there is occasion, the civil and criminal courts may have detained, in custody, and dispatched to the jails above stated, those who are accused of offences with regard to which it has been declared that there was no occasion for indictment or who have been acquitted of charges brought against them.

100. Declaration on Revolutionary Government

10 October, 1793 (19 Vendemiaire, Year II)

SOURCE: Duvergier, v. 6, pp. 219-220 [acks brief formal preamble]. See also: A. P., v. 76, pp. 311-312; B. and R., v. 29, pp. 172-174.

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This document was the logical consequence of the suspension of the Constitution of 1793 and the announcement, early in September, 1793, that "Terror is the order of the day." It served as the basis of government until December, 1793, and indicates the extent to which the Committee of Public Safety had gained control of the Revolution.

The government which functioned under the terms of this declaration was an emergency government, a war government, a revolutionary government, but not, Strictly speaking, a constitutional government. It was centralized and dictatorial, as befitted the needs of the moment; and it claimed the right to use terror against its enemies. The agencies through which it functioned were the Committee of Public Safety, the Committee of General Security, the

Convention, the Revolutionary Tribunal, the Deputies on Mission, and the Watch Committees.²

*** * ***

GOVERNMENT

- 1. The provisional government of France is revolutionary until the peace.**
- 2. The provisional Executive Council, the ministers, generals, and constituted bodies are placed under the surveillance of the Committee of Public Safety, which shall render a weekly account thereof to the Convention.**
- 3. Every measure of security is to be taken by the provisional Executive Council, under the authorization of the Committee, which shall render account thereof to the Convention.**
- 4. The revolutionary laws must be executed speedily. The government shall correspond immediately with the districts in measures of public safety.**
- 5. The generals in chief shall be appointed by the National Convention, on the recommendation of the Committee of Public Safety.**
- 6. Since the inertia of the government is the cause of reverses, the periods for execution of decrees and of measures of public safety are fixed. Violation of such periods shall be punished as an attack upon liberty.**

SUPPLIES

7. The table of production of grain of every district, made by the Committee of Public Safety, shall be printed and distributed to all members of the Convention, to be put into effect without delay.

8. The necessities of every department shall be estimated by approximation, and shall be guaranteed. The supplies shall be subject to requisition.

9. The table of production of the Republic shall be directed to the representatives of the people, to the Ministers of the Navy and the Interior, and to the administrators of supplies. They shall requisition in the *arrondissements* assigned to them. Paris shall have a special

arrondissement.

10. Requisitions for the benefit of unproductive departments shall be authorized and regulated by the provisional Executive Council.

11. Paris shall be provisioned on 1 March for one year.

GENERAL SECURITY

12. The direction and employment of the revolutionary army shall be regulated immediately so as to repress counter-revolutionaries.

The Committee of Public Safety shall present a plan therefor.

13. The Council shall dispatch a garrison into cities where counterrevolutionary movements have arisen.

The garrisons shall be paid and maintained by the wealthy people of said cities until the peace.

FINAN CES

14. A court and a jury of accounts shall be created. Such court and jury shall be appointed by the National Convention; they shall be responsible for prosecuting all who have handled public revenues since the Revolution, and with demanding of them an account of their wealth.

The organization of said court is referred to the Committee on Legislation.

101. The Constitution of the Terror

4 December, 1793 (14 Frimaire, Year 11)

SOURCE: Duvergier, v. 6, pp. 317-322 [lacks brief formal preamble]. See also:

A. P., v. 80, pp. 629-635; *Moniteur*, 9 December, 1793 (19 Frimaire, Year II), Rep., v. 18, pp. 610-613; B. and R., v. 30, pp. 254-266.

REFERENCE: Supplementary decree of 7 January, 1794 (18 Nivose, Year II) on general security [Duvergier, v. 6, p. 386].

The so-called “Constitution of the Terror” coordinated and amended the decrees of 21 March and 10 October, 1793.⁴² It continued, with minor modifications, as the basis of the Terror government until the fall of Robespierre. It illustrates the manner in which the Convention and the two Committees carried on their work, and suggests the amount of

paper work necessitated by the bureaucratic organization of the Terror regime. The emphasis on the Convention as the center of revolutionary activity was more apparent than real, for the Assembly followed the dictates of the Great Committee. Attention should be given to the curtailment of the activities of the Deputies on Mission, and the virtual transfer of the power of local authorities to “national agents.”

* * *

Section 1. Dispatch and Promulgation of Laws

1. Laws concerning the public interest, or which are to be executed generally, shall be printed separately in a numbered bulletin, which shall serve henceforth for their notification to the constituted authori-

⁴² Documents 84 and 100, *supra. ties.* Said bulletin shall be entitled: ***Bulletin of the Laws of the Republic.***

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[Articles 2-7 relate to the *Bulletin*, its preparation, paper, printing, translation, distribution, etc., and its supervision by a responsible commission under the control of the Committee of Public Safety.]

8. Said *Bulletin* shall be addressed directly and daily to all constituted authorities, and to all public functionaries who are responsible either for supervising the execution or for effecting the application of the laws. Said *Bulletin* shall be distributed to the members of the Convention.

9. Promulgation of a law shall be made, in each place, within twenty-four hours of receipt, by a proclamation at the sound of trumpet or drum; and the law shall become obligatory dating from the day of promulgation.

10. Independently of such proclamation, in each and every commune of the Republic the laws shall be read to the citizens in a public place each *decadi*, either by the mayor, a municipal official, or the president of the section.

[Article 11 deals with the payment and nomination of the members of the Commission for Dispatch of the Laws.]

12. The Committee of Public Safety is charged with taking all measures necessary for the execution of the preceding articles, and with rendering a monthly account thereof to the Convention.

Section 2. Execution of the Laws

1. The National Convention is the sole motive center of the Government.

2. All constituted bodies and public functionaries are placed under the immediate inspection of the Committee of Public Safety for measures of government and public safety, in conformity with the decree of 19 Vendemiaire,³ and concerning whatever relates to persons and to general and internal police; such special inspection appertains to the Committee of General Security of the Convention, in conformity with the decree of 17 September last: ⁴ said two committees are required to render the

National Convention an account of the results of their labors at the end of each and every month. Each and every member of said two committees shall be personally responsible for the fulfillment of such obligation.

3. The. execution of laws is divided into supervision and application.

4. Active supervision relative to military laws and measures, to administrative, civil, and criminal laws, is delegated to the Executive Council, which shall render account thereof in writing, every ten days, to the Committee of Public Safety, in order to inform it of delays and oversights in the execution of civil and criminal laws, of actions of the government, and of military and administrative measures, as well as of violations of such laws and measures, and the agents who render themselves guilty of such oversights and infractions.

5. Each and every minister, moreover, is required personally to give a special and summary account of the operations of his department, every ten days, to the Committee of Public Safety, and to denounce all agents in its employ who have not fulfilled their obligations correctly.

6. The supervision of the execution of revolutionary laws and governmental measures of general security and public safety in the departments is attributed exclusively to the districts, upon condition of rendering an accurate account thereof, every ten days, to the Committee of Public Safety, for the measures of government and public safety, and to the Committee of

Surveillance of the Convention, for whatever concerns general and internal police, as well as individuals.

7. The application of military measures appertains to the generals and other agents attached to the service of the armies; the application of military laws appertains to the military courts; that of laws relative to taxes, manufactures, highways, public canals, and supervision of the national domains appertains to the departmental administrations; that of civil and criminal laws, to the courts, upon express condition of rendering account thereof, every ten days, to the Executive Council.

8. The application of revolutionary laws and measures of general security and public safety is entrusted to the municipalities and to the Watch or Revolutionary Committees, upon condition also of reporting, every ten days, on the execution of such laws in the district of their *arrondissement*, since they are responsible for the immediate supervision thereof.

9. Nevertheless, in order that the action of the police may meet with no obstacle at Paris, the Revolutionary Committee shall continue to correspond, directly and without any intermediary, with the Committee of General Security of the Convention, in conformity with the decree of 17 September last.⁴⁵

10. At the end of every month, all constituted bodies shall dispatch also the analysis of their deliberations and their correspondence to the

authority specially charged by the present decree with their direct supervision.

11. Every authority and public functionary is expressly forbidden to make proclamations, or to promulgate extensive orders, limiting or contrary to the literal sense of the law, under pretext of interpreting or supplementing it.

The right of interpreting decrees appertains to the Convention alone, and one may address oneself only to it for such purpose.

12. Intermediate authorities charged with supervising the execution and application of laws are likewise forbidden to pronounce any decision, or to order the release of arrested citizens. Such right appertains exclusively to the National Convention, to the Committees of Public Safety and General Security, to the representatives of the people in the departments and with the armies, and to the courts in applying the criminal and police laws.

13. All constituted authorities shall be stationary, and may deliberate only in the usual place of their sessions, except in case of absolute necessity, and with the exception solely of justices of the peace and their assistants and the criminal courts of the departments, in conformity with the laws sanctioning their work on circuit.

14. In place of the district *procureurs-syndics* and the communal *procureurs* and their substitutes, who are abolished by this decree, national agents shall be specially charged with requiring and prosecuting the execution of the laws, as well as with

announcing the oversights occasioned in such execution and the infractions committed. Said national agents are authorized to change their places and to traverse the *arrondissement* of their territory, in order to supervise and to ascertain more positively that the laws are properly executed.⁴⁶

15. The duties of the national agents shall be performed by the citizens now occupying the posts of district *procureurs-syndics*, communal *procureurs*, and their substitutes, with the exception of those who are being dismissed.

16. The national agents attached to the districts, as well as every other public functionary charged personally by this decree either with requiring the execution of the law or with supervising it more par-

⁴³ The Law of Suspects [document 99, *supra*].

⁴⁰ See art. 6 of sec. 3, *infra*. *ticularly, are required to maintain a regular correspondence with the Committees of Public Safety and General Security. Such national agents shall write to the two committees every ten days, in conformity with the correspondence established by article 10 of the present section, in order to certify the diligence displayed in the execution of each and every law, and to announce delays and negligent and prevaricating public functionaries.*

17. The national agents attached to the communes are required to render the same account to the district of their *arrondissement*, and the presidents of the Watch and Revolutionary Committees shall carry on the same correspondence, both with the

Committee of General Security and with the district responsible for supervising them.

18. The Committees of Public Safety and General Security are required to denounce to the Convention the national agents, and every other public functionary personally responsible for supervision or application of the laws, in order to have them punished in conformity with the provisions expressed in the present decree.

19. The number of the national agents, either in the service of the districts or of the communes, shall equal that of the district

***syndics* and their substitutes and the communal *procureurs* and their substitutes now in office.**

20. After the purging effected by the citizens who are summoned by the present decree to perform the duties of national agents in the districts, each one of said citizens shall have the names of those who have been either maintained or appointed in that place sent to the National Convention, within twenty-four hours after the purge, and the list shall be read at the tribune in order that the members of the Convention may have an explanation concerning individuals whom they recognize.

21. The replacement, in the districts, of national agents who are rejected shall be effected provisionally by the National Convention.

22. After said same purging has been effected in the *communes*, they shall dispatch to the district of their *arrondissement*, within the same period of time, a similar list to be publicly proclaimed there.

Section 3. Competence of the Constituted

A uthorities

' 1 • The Committee of Public Safety is specially charged with major diplomatic operations, and it shall negotiate directly whatever results from said same operations.

2. The representatives of the people [on mission] shall correspond every ten days with the Committee of Public Safety. They may suspend and replace the generals only provisionally and upon condition of apprising the Committee of Public Safety thereof within twenty-four hours; they may not countermand or delay the execution of orders and measures of government taken by the Committee' of Public

Safety; in all their missions they shall comply with the provisions of the decree of 6 Frimaire.⁴⁷

3. The functions of the Executive Council shall be determined according to the principles established in the present decree.

4. The Convention reserves to itself the appointment of the commanders in chief of the armies on land and sea. As for other general officers, the Ministers of War and of the Navy may not make any promotion without having presented the list thereof, or the motivated appointment, to the Committee of Public Safety, to be accepted or rejected thereby. Said two ministers likewise may not dismiss any of the military agents appointed provisionally by the representatives of the people dispatched to the armies, without having made a

written and motivated proposal to the Committee, and unless the Committee has accepted it.

5. The departmental administrations remain specially charged with the assessment of taxes among the districts, and with the establishment of industries, highways, and public canals, and with the supervision of the national domains. Nothing relative to revolutionary laws and measures of government and public safety is any longer within their jurisdiction. Accordingly, the hierarchy which placed the districts, municipalities, or any other authority under the subordination of the departments is suppressed with regard to whatever concerns revolutionary and military laws, and measures of government, public safety, and general security.

6. The departmental general councils, presidents, and *procureurs-generaux-syndics* are likewise abolished. The performance of the duties of president shall alternate among the members of the directory, and may not continue longer than one month. The president shall be responsible for the correspondence and the requisition and special supervision in the sphere of activity entrusted to the departmental directories. ,

7. The presidents and secretaries of the Revolutionary and Watch

Committees likewise shall be renewed every fortnight, and may be re-elected only after an interval of one month.

47 This undoubtedly should be 5 Frimaire, i.e., 25 November 1793; it refers to* decree concerning the actions of the representatives on mission [A. P., v. 80, p. 11 J.

8. No citizen who is already employed in the service of the Republic may exercise or concur in the exercise of an authority charged with the mediate or immediate supervision of their duties.

9. Those uniting or concurring in the cumulative exercise of similar authorities shall be required to make their choice within twenty-four hours after the publication of the present decree.

10. All changes ordered by the present decree shall be put into effect within three days, dating from the publication of said same decree.

11. Rules of the former established regime which have not been changed by the present decree shall be followed until otherwise ordered. The functions of the district of Paris, however, are attributed to the department, as having become incompatible, by this new organization, with the operations of the municipality.

12. The power of dispatching agents appertains exclusively to the Committee of Public Safety, the Representatives of the People, the Executive Council, and the Commission on Provisions. The aim of their mission shall be stated in precise terms in their mandate.

Such missions shall be limited strictly to having put into effect the revolutionary and general safety

measures, requisitions, and orders issued by those who have appointed them.

None of said commissioners may deviate from the limits of his mandate; and in no case may delegation of powers take place.

13. The members of the Executive Council are required to present to the Committee of Public Safety, to be verified and accepted by it, a motivated list of the agents whom they send to the departments, armies, and foreign countries.

14. The agents of the Executive Council and of the Commission on Provisions are required to render an exact account of their activities to the representatives of the people who are present in the same places. The powers of agents appointed by the representatives with the armies and in the departments shall expire as soon as the mission of said representatives is terminated, or as soon as they are recalled by decree.

15. All constituted authorities, public functionaries, and agents employed in the service of the Republic are expressly forbidden to extend the exercise of their powers beyond the territory assigned to them, to perform acts not within their competence, to encroach upon other authorities, to exceed their delegated functions, or to arrogate unto themselves powers not entrusted to them.

16. All constituted authorities are also expressly forbidden to alter the essence of their organization, either by unions with other authorities, by delegates

charged with forming central assemblies, or by commissioners dispatched to other constituted authorities. Henceforth, all relations among public functionaries may take place only in writing.

17. All congresses or central unions established either by the representatives of the people or by popular societies, whatever their denomination, even of central Watch Committee or of central Revolutionary or Military Commission, are revoked and expressly forbidden by the present decree, as subversive of the unity of action of the government, and *tending to federalism*", and those now existing shall dissolve themselves within twenty-four hours, dating from the publication of the present decree.

18. Every revolutionary army, other than that established by the Convention and common to all the Republic, is disbanded by the present decree; and all citizens incorporated in similar military organizations are enjoined to separate within twenty-four hours, dating from the publication of the present decree, under penalty of being regarded by the law as rebels, and treated as such.

19. All armed forces, whatever their organization or designation, and all leaders commanding them, are expressly forbidden to perform acts appertaining exclusively to the constituted civil authorities, even domiciliary visits, without an order written and issued by said authorities, which order shall be executed in the forms prescribed by the decrees.

20. No armed force, no tax, no compulsory or voluntary loan may be levied except by virtue of a decree. The revolutionary taxes of

the representatives of the people shall be effective only after having been approved by the Convention, unless they are in enemy or rebel territory.

21. Every constituted authority is forbidden to dispose of public funds, or to alter the destination thereof, without being authorized to do so by the Convention, or by an express requisition of the representatives of the people, under penalty of answering personally therefor.

Section 4. Reorganization and Purging of the Constituted Authorities

1. The Committee of Public Safety is authorized to take all necessary measures to proceed with the change of organization of the constituted authorities expressed in the present decree.

2. The representatives of the people in the departments are charged with assuring and accelerating the execution thereof; as also with achieving, without delay, the complete purging of all constituted authorities, and with rendering a special account of said two operations to the National Convention before the end of the next month.

Section 5. Of the Penal Law for Public Functionaries and Other Agents of the Republic

1. Members of the Executive Council who are guilty of negligence, individually or collectively, in the supervision and execution of the section of laws assigned to them shall be punished by deprivation

of the rights of citizenship for six years, and by confiscation of one-half of their property.

2. Salaried public functionaries charged personally by the present decree with requiring and following up the execution of the law, or with making application thereof, and with denouncing oversights, infractions, and guilty functionaries and other agents placed under their supervision, and who have not rigorously fulfilled such obligations, shall be deprived of the rights of citizenship for five years, and condemned during the same time to confiscation of one-third of their income.

3. The penalty of unsalaried public functionaries, charged personally with the same duties and guilty of the same offences, shall be deprivation of the rights of citizenship for four years.

4. The penalty inflicted upon members of the judicial, administrative, municipal, and revolutionary bodies who are guilty of negligence in the supervision or application of the laws, shall be, for the salaried functionaries, deprivation of the rights of citizenship for four years and a fine equal to one-fourth of the annual income of each condemned person, and for those who receive no stipend, three years of exclusion from the enjoyment of the rights of citizenship.

5. General officers and all agents attached to the divers services of the army, who are guilty of negligence in the supervision, execution, and application of the operations entrusted to them, shall be punished with deprivation of the rights of

citizenship for eight years, and with confiscation of one-half of their property.

6. The commissioners and special agents appointed by the Committees of Public Safety and General Security, by the representatives of the people with the armies and in the departments, by the Executive Council, and the Commission on Provisions, who are guilty of exceeding the limits of their mandate, or of neglecting the execution thereof, or of not submitting to the provisions of the present decree, especially to article 13 of section 2, in whatever concerns them, shall be punished with five years' imprisonment.

[Article 7 provides similar punishments for minor government agents.]

8. Every infraction of the law, every prevarication, every abuse of authority committed by a public functionary, or by any other principal or subordinate agent of the government and of the civil and military administration receiving a stipend, shall be punished with five years' imprisonment and confiscation of one-half of the property of the condemned person; and for those not salaried, who are guilty of the same offences, the penalty shall be deprivation of the rights of citizenship for six years, and the confiscation of one-fourth of their incomes during the same time.

9. Every counterfeiter of the *Bulletin of the Laws* shall be punished with death.

10. The penalties inflicted for delays and oversights in the dispatch, sending, and reception of

the *Bulletin of the Laws* are, for the members of the Commission for the Dispatch of Laws and for agents of the postal service, condemnation to five years' imprisonment, except in cases of absolute and legally proved necessity.

11. Public functionaries, or all other agents subject to collective responsibility, who have warned the Convention of default of exact supervision or of nonexecution of law, within the period of two weeks, shall be exempted from the penalties pronounced by the present decree.

12. The confiscations ordered by the preceding articles shall be deposited in the Public Treasury, after deducting the indemnity due the citizen who has been wronged by the nonexecution or violation of a law, or by an abuse of authority.

V. THE ECONOMIC TERROR

In economic matters the Terror assumed two main forms—efforts to solve the continuing chronic economic problems and attempts to meet the special problems of the moment. As in previous chapters, these will be examined from the point of view of finances, taxation, the grain trade, agriculture, commerce, and industry.⁴⁸

In an attempt to offset the the continued depreciation of the *assignats*, the Terror government invalidated all “royal” *assignats* (those issued prior to the Republic) as of 1 January, 1794.⁴⁹ In August the first serious effort was made to untangle the complications of the National Debt. Provision was made whereby all government bonds were to be

recorded in a National Register (*Grand Livre*), the old “paper” destroyed, and new certificates issued. This process of calling in all government bonds enabled the Convention to obliterate all distinctions between the obligations of the Old Regime and those of the Revolution. Moreover, it really constituted a funding process, for the principal of each bond was transformed into a 5 per cent perpetual annuity, thus enabling the government to postpone the embarrassing necessity of having to pay the principal sum.⁵⁰

Need for funds continued, and in the following month the principle of a compulsory loan (already adopted in May) was put into practice (102). Apart from this type of experiment, the main tax feature of the period was the modification and suppression of the *mobiliere*, thus (at least for a time) leaving the *fonciere* as the main basis of the regular revolutionary tax system. Unfortunately, as heretofore—and for the same reasons—most of the measures in finance and taxation failed to produce the desired results.⁵¹

Trends in the direction of political centralization were accompanied by attempts at economic centralization. Particularly was this true in the matter of controlling the prices of basic commodities, especially foodstuffs. The “relative” maximum of 4 May, 1793,⁵² suffered from maladministration at the hands of local officials, and legislation against profiteers⁵³ had scarcely progressed beyond the paper stage. Food shortages and problems of distributing commodities were so affected by the economic dislocations of the moment that finally, in September, 1793, the Committee

adopted a more centralized system of regulation—the “absolute” maximum (103). This was followed by the establishment of a Food Commission with full powers over food, transport, production, and (later) imports and exports.⁵⁴

⁴⁸ For economic trends in general see: Clough, S. B., *France, a History of National Economics, 1789-1939* (New York, 1939), and Bogart, E. L., *Economic History of Europe, 1760-1939* (London and New York, 1942). For the Terror in particular, the basic work is Mathiez, Albert, *La vie chere et le mouvement social sous la terreur* (Paris, 1927). See also Section VIII, *infra*.

⁴⁹ Although the Law of the Maximum [document 103, *infra*] provided a temporary stabilizing influence, the *assignats* continued their downward course. The period is characterized by extensive legislation regulating the *assignats*, issuing more of them, and attempting to check counterfeiting.

⁵⁰ 24 August, 1793 [Duvergier, v. 6, pp. 112-130].

⁵¹ On finances see: Bloch, *Monnaie*, pp. 1-41 *passim*, 272-352, 520 [pp. 31-40 give the financial agencies of the Revolution]; see also references to document 26, *supra*.

On taxation see Bloch, pp. 1-59 *passim*, 410-474, 1111-1121 [pp. 50-57 give the taxation agencies of the Revolution].

⁵² Document 93, *supra*.

⁵³ e.g., document 96, *supra*.

⁵⁴ Concerning the grain trade see: Caron, pp. 1-27 *passim*, 51-106, 172-183 [pp. 13-15 give agencies of the grain trade during the Revolution].

Apart from the grain trade and attempts to increase the acreage of land under cultivation, two remaining items connected with agriculture merit attention as part of the Economic Terror. The first took the form of a decree of 17 July, 1793, suppressing all remaining feudal rights ⁵⁵—without distinction and without indemnification. The second matter, namely, the further division of lands among the peasants, will be considered later in this Chapter.⁵⁶

The problem of regulating external trade, especially with reference to the war, constituted perhaps the outstanding commercial feature of the period of the Terror. The regime of prohibitions had already been introduced, and now it was integrated with the domestic economic policy. Enactments concerning such matters as imports, exports, and vessels appeared in considerable numbers, and outstanding among them were the “Navigation Act” of September, 1793 (104), and the Embargo on English Goods of October (105). One remaining item, of great significance to mankind as a whole, was the Convention’s work on weights and measures—a matter which was social, cultural, and industrial as well as commercial in its significance and implications (106).⁵⁷

Last, but by no means least, one of the most astonishing aspects of the Economic Terror was the manner in which the Committee of Public Safety organized and exploited the natural resources of France for prosecuting the war. In fact, this

constituted the principal industrial feature of the time. It took the form of an attempt to achieve national self-sufficiency. Plants sprang up almost overnight for the manufacture of war needs, skilled workers were requisitioned to man them, and raw materials were confiscated from every possible source to keep them running. Even prisoners of war were put to work wherever possible. Whatever the shortcomings of the process, it cannot but stimulate admiration for the application, ingenuity, and singleness of purpose which were displayed.⁵⁸

102. Decree Establishing a Compulsory Loan

3 September, 1793

SOURCE: **Duvergier, v. 6, pp. 143-145. See also: A. P., v. 73, pp. 351-354; Bloch, pp. 422-428.**

REFERENCE: **Instruction of 7 September [Bloch, pp. 428-441].**

This decree indicates the type of revenue expedient utilized during the crisis of war and terror. It is of interest in the light of modern income taxes (and similar

⁵⁵ See Duvergier, v. 6, pp. 19-24.

⁵⁶ See document 113, *infra*.

Concerning agriculture see: Bourgin, pp. 241-260 *passim*, 307-346 Lpp. 243-24* give the agricultural agencies of the Revolution]. . . ,

57 Concerning commerce see Schmidt, pp. 1-29 *passim*, 151-214 [pp. 12-26 give the commercial agencies of the Revolution]. One of the most illuminating studies of commercial development during the Revolution, with special reference to the Convention, is Nussbaum, F. L., *Commercial Policy in the French Revolution, a Study of the*

Career of G. J. A. Ducher (Washington, D. C., 1923).
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58 Concerning industry see Schmidt, *Industrie*, pp. 1-21 *passim*, 72-83 Lpp. 11 *W* give the industrial agencies of the Revolution]. See also Brinton, pp. 128-130. trends) as well as for its contemporary significance. The exemptions in article 4 should be noted.

* * *

1. Within two weeks subsequent to the publication of the present decree, the citizens who are required to contribute to the compulsory loan, according to the provisions of the following articles, shall remit to the clerk of the municipality of their domicile, and in Paris to the civil committee of their section, an exact declaration of their income during the year 1793, and of the expenses deducted therefrom.

2. The declaration of income from real estate shall conform to the evaluation made in the originals of the rolls of the *contribution fonciere*; one-fifth shall be deducted therefrom as the principal of said tax.

3. The declaration of income from government or private perpetual annuities, or from capital drawing

interest or invested in business, that of commercial profits, banking, brokerage, commissions, contracts and provisionings for the year 1793; and that of idle funds kept in a cash box or wallet or with a depositary, shall be made in whole and without deduction of the *contribution* ; idle funds shall be estimated to produce five per cent interest. Sums which exceed one-half the income for one year shall be considered idle funds.

4. Pensions and life annuities likewise shall be declared without deduction of the *contribution mobiliere*; but they shall be counted only as one-half their amount. Public and private salaries and purely industrial incomes shall not be included in the declaration or in the tax.

5. Revenues from and interest on liability debts shall be deducted from incomes, provided that the name and domicile of the creditors are indicated. Life annuities or pensions shall be counted only as one-half.

6. Husbands shall include in their declarations the incomes of their wives; fathers, those of their children whose property they administer; guardians and administrators shall furnish individual declarations for their wards or minors.

7. The declarations shall contain the names, first names and surnames, and the domicile and profession of the citizens making them, the number of children, grandchildren, and elderly relatives in their care, and the aged persons, wives, and defenders of the *Patrie* whom they have supported since the beginning of the year 1793.

8. The declarations shall be signed by the citizens making declaration, or by their legal representatives; the declarations of citizens who do not know how to write shall be received at the communal hall by the secretary or his clerk, in the presence of a municipal official or a notable deputed therefor, who shall sign them. In Paris the declarations shall be received in the sections, and signed, when necessary, by the commissioners.

9. Within two weeks subsequent to the publication of the present decree, the general councils of the communes shall proceed with the selection of the examining commissioners, whose number is hereinafter established; said commissioners shall be responsible for verifying and signing the declarations furnished, for summoning, by means of a simple note signed by them, the citizens who, although able to make said declarations, have not done so, and for making up the deficiency for those which have not been remitted to them within a week of the summons.

There shall be six commissioners in municipalities of 50,000 inhabitants or fewer, eight in those of between 50,000 and 100,000 inhabitants, ten in those of from 100,000 to 200,000 inhabitants, and twelve in those with a population in excess of 200,000 inhabitants.

In Paris there shall be six commissioners for each section.

The examining commissioners shall proceed, in public session, with the examination and verification

of the declarations and the drafting of the original roll.

10. Declarations found insufficient by the examining commissioners shall be increased by them, after those who have made such declarations have been summoned for a hearing, by an amount double that which is found to have been omitted.

11. Persons who have not made the declaration, which they were in a position to furnish, concerning the amount of their income, or who do not appear within the limit of one week on the summons of the examining commissioners, shall be taxed officially by the said commissioners, according to common assumption, on the basis of their presumed annual income, which shall be doubled because of their opposition to the law.

12. If any claim arises against the decision of the examining commissioners, it shall be brought within a month of the closing of the roll, first before the district directories, and then, in appeal, before the departmental directory, and, in Paris, first before the municipality and then, in appeal, to the departmental directory, there to be finally judged, *without prejudice to the provisional execution of the order of the examining commissioner.* Citizens who, having furnished no declaration, do not appear at the summons of the examining commissioners, and have consequently been officially taxed, may not use such privilege, and shall be required to pay the total amount of their tax.

13. From the income of citizens which is established and determined on their admitted or

corrected declaration, or on the declaration which the examining commissioners have drawn up to provide for those who refuse to do so, there shall be deducted 1,000 for unmarried persons or widowers without children, 1,500 *livres* for married citizens or widowers with children, and 1,000 *livres* for their wives, and a like sum of 1,000 *livres* for each of their children whose property they administer, elderly relative or aged person and wife and child of defenders of the *Patrie* whom they have in their care; the surplus income shall be subjected to the compulsory loan in the proportions hereinafter determined.

14. The portion of income subjected to the compulsory loan, in conformity with the preceding article, shall be taxed as follows:

From 1 to 1,000 *livres*, one-tenth; from 1,001 to 2,000 *livres*, two-tenths; from 2,001 to 3,000 *livres*, three-tenths; from 3,001 to

4,000 *livres*, four-tenths; from 4,001 to 5,000 *livres*, five-tenths; from

5,001 to 6,000 *livres*, six-tenths; from 6,001 to 7,000 *livres*, seven-tenths; from 7,001 to 8,000 *livres*, eight-tenths; from 8,001 to 9,000 *livres*, nine-tenths. Accordingly, for 1,000 *livres* subject to the loan, the tax shall be 100 *livres*’, for 1,500 *livres*, 200 *livres*; for 2,000 *livres*, 300 *livres*; for 3,000 *livres*, 600 *livres*; for 4,000 *livres*, 1,000 *livres*; for 5,000 *livres*, 1,500 *livres*; for 6,000 *livres*, 2,100 *livres*; for 7,000 *livres*, 2,800 *livres*; for 8,000 *livres*, 3,600 *livres*; for 9,000 *livres*, 4,500 *livres*.⁵⁹

Over and above 9,000 *livres* of income, whatever the sum may be, the tax shall be, in addition to the 4,500 *livres* due for 9,000 *livres*, the entirety of the excess; so that an income of 10,000 *livres* will be taxed 5,500 *livres*, an income of 11,000 *livres* will be taxed 6,500 *livres*, and so on.

15. The examining commissioners shall register all items subjected to the compulsory loan on an original roll divided into five columns: the first shall contain the name of the citizen taxed; the second, the divers parts of which his total income is composed; the third, the amount of the deduction from the income permitted according to article 13 above; the fourth, the amount of the portion of the income subject to the compulsory loan; and the fifth and last, the amount of

⁵⁹ These results were achieved by computing one-tenth of the first thousand *livres*, two-tenths of the second thousand, and so on. the sum to be furnished in the said loan. Such original [roll] shall be deposited publicly with the clerk of the municipalities, so that all interested parties may examine it without charge.

16. As soon as the original roll is completed, it shall serve to form the roll of collections, which shall be divided into three columns: the first shall contain the name of the citizen; the second, the amount of his tax; the third shall be reserved for noting payments.

17. The rolls of collections shall be verified, signed and rendered executory by the examining commissioners, and shall be submitted to the

collector of taxes for 1793 in each municipality; the amount on said rolls is to be paid in thirds, in the months of December, January, and February next.

18. The municipal officials shall be required to submit to the district directory, before the 1st of December next, a statement of the amount of the original roll of the compulsory loan; the district directories shall then submit the results of the rolls of all the municipalities of their *arrondissement* to the departmental directory, which shall form a general table thereof, divided by districts, which it shall transmit, before the 15th of the same month of December, to the commissioners of the National Treasury, who shall have a register kept thereof.

19. The payment of the taxes of the compulsory loan shall be made, in the departments, directly to the receiver of each district, for all the municipalities of his *arrondissement*. Accordingly, the collector of taxes shall give notice to each citizen, so that he may know the amount of his tax and then pay it to the receiver of the district, who shall furnish him with a receipt therefor; such receipt must be presented by the bearer to the district directory, in order there to be endorsed by two members of the administration.

20. Upon returning to his municipality, the bearer of the district receipt shall be required to present said receipt to the collector of taxes, so that he may record the payment in the third column of the roll, and thus know the citizens who have complied and those against whom he may be required to bring suit.

21. In Paris the taxes shall be paid directly to the cashier of daily receipts, who shall furnish a receipt therefor, which shall be endorsed by the Controller-General of the funds of the National Treasury.

Said receipt must then be presented, by the bearer, to the collector of taxes in the *arrondissement* of his domicile, who is keeper of the roll, so that he may make the record mentioned in article 20 above.

22. The district administrators and the Controller-General of the

National Treasury shall keep a register of the receipts which they endorse, and they shall send the result thereof to the National Treasury each and every month.

23. *Assignats* paid into the compulsory loan shall be voided, at the time of payment, by the district receivers, in the form used for receipts emanating from national domains; and the said receivers shall send such *assignats*, with a special memorandum, to the cashier of daily receipts, who shall furnish his receipt therefor. The latter shall remit the proceeds of such special receipts every week to the general cashier, who shall have the *assignats* among them burned in the usual form.

24. In the receipts which they issue, the cashier of daily receipts and the district receivers shall distinguish carefully between the portion paid *in duplicate receipt and voluntary loan*, and that paid *in assignats*.

25. The receipts shall bear no interest, and shall not be transferable; they may be submitted by

owners, or their heirs or lawful purchasers, as payment for national domains sold two years after the peace, but only for the portion which should have been paid in *assignats*, as hereinafter explained.

26. Citizens who have paid money in their name to the voluntary loan, opened by the decree of 24 August, on the consolidation of the public debt, may give the amount thereof as compensation for their tax in the compulsory loan, up to the amount due.

27. Accordingly, they shall be furnished, upon their request, at the National Treasury or by the district collectors, with a duplicate receipt stamped with these words: *Duplicate for the compulsory loan.*

28. If the sum paid to the voluntary loan does not equal the amount of the tax of the compulsory loan, the difference shall be paid in *assignats*.

29. Citizens who have paid money to the voluntary loan shall receive interest and all the advantages appertaining thereto, notwithstanding the remittance of the duplicate of their receipt in compensation for the compulsory loan.

30. The sums paid to the voluntary loan may be given as compensation for the compulsory loan only in so far as they have been paid, either at the National Treasury or to the district collectors, before 1 December next.

31. Citizens whose fortune does not permit them to furnish the voluntary loan with the 1,000 *livres* of

principal necessary for obtaining inscription on the National Register [*Grand Livre*] of the Public

Debt for fifty *livres*, may unite, in such number as they deem fit, to form at least the aforesaid capital; they shall be entered in the

National Register, in the form provided for joint owners by article 22 of the decree of 24 August, 1793;⁶⁰ thus they will be enabled to obtain a duplicate receipt, which they shall give as compensation for their tax in the compulsory loan.

The receipt shall mention the names of all' the joint owners, and the amount furnished by each of them.

32. Individuals who already have government bonds may furnish such amount as they find suitable in addition to their credit, provided that, when added thereto, their figure in the National Register is brought to at least fifty *livres* of income.

33. Those who have not completed, in whole or in part, the payment of the compulsory loan, either in duplicate receipt of the voluntary loan or in *assignats*, before 1 March next, shall then receive for the amount in arrears, only a simple receipt, as for taxes, which [receipt] shall serve as payment thereof, but which may not be put to any other use and will give them no right to reimbursement.

34. The collectors, and subsidiarily the members of the general councils of the communes, shall be personally responsible with their property for nonenforcement of the present decree, especially in so far as it concerns the collection of taxes, if legal

proceedings are not entered within one week after the dates of maturity.

The administrative bodies are subject to the same penalty, if they do not prosecute the application thereof against the collectors, and subsidiarily against the general councils.

[1](#)

Document 84, *supra*.

[2](#)

See documents 83, 84, 85, 87, *supra*.

[3](#)

jo October, 1793, Declaration on revolutionary government [document 100, *supra*].

[4](#)

The Law of Suspects [document 99, *supra*].

103. The Law of the Maximum

29 September, 1793

SOURCE¹ Duvergier, v. 6, pp. 193—195. See also: A. P., v. 75, pp. 321—323, *Moniteur*.X October, 1793, Rep., v. 18, pp. 5-6; B. and R., v. 29, pp. 11-14 [footnote]. REFERENCES: Documents 93, 96, *supra*; Caron, Pierre, ed., *Le maximum general*.

***Instruction, recueil de textes et notes* (Paris, 1930).**

The period of the “absolute” maximum inaugurated by this law lasted until the end of 1794. The present document was the most important of a series of such enactments designed to regulate both prices and wages. Items of outstanding interest in the law are: (1) what were considered essential items; (2) the fact that no attention was given to the added factor of costs of transporting goods; eo See article 26, *supra*.

(3) failure to limit the rate of profit; (4) prohibitions concerning strikes; and (5) the similarity to modern efforts at price fixing. Owing to unanticipated complications and irregularities in administration, the law, in the long run, proved to be a failure. In a sense that was inevitable, because at the time there were so many reasons why so many people should violate it, and so relatively few agencies for enforcing it. For the immediate moment it did have a stabilizing effect upon the price structure.

* * *

1. The articles which the National Convention has deemed essential, and the *maximum* or highest price of which it has believed it should establish, are: fresh meat, salt meat and bacon, butter, sweet oil, cattle, salt fish, wine, brandy, vinegar, cider, beer, firewood, charcoal, coal, candles, lamp oil, salt, soda, sugar, honey, white paper, hides, iron, cast iron, lead, steel, copper, hemp, linens, woolens, stuffs, canvases, the raw materials which are used for fabrics, wooden shoes, shoes, colza and rape, soap, potash, and tobacco.

2. Among the articles specified in the above list, the *maximum* price for firewood of the first quality, that of charcoal, and of coal, are the same as in 1790, plus one-twentieth. The decree of 19 August on the fixing of the prices of firewood, coal, and peat by the departments is revoked.

The *maximum* or highest price of tobacco in rolls is twenty *sous* per *livre*, eight ounces; that of smoking tobacco is ten *sous*; that of a *livre* of salt is two *sous*; that of soap is twenty-five *sous*.

3. The *maximum* price of all other commodities and merchandise specified in article 1 shall be, throughout the entire extent of the Republic and until the month of September next, the price of 1790, as stated by the market prices or the current prices of each and every department, plus one-third; deduction being made for fiscal and other fees to which they were then subject, under whatever denomination they may have existed.

4. The tables of the *maximum* or highest price of each of the commodities specified in article 1 shall

be drafted by each district administration, posted within a week of receipt of the present decree, and dispatched to the departments.

5. The *procureur-general-syndic* shall dispatch copies thereof, within the ensuing fortnight, to the provisional Executive Council and to the National Convention.

[Article 6 provides that the commissioners from the Convention are to dismiss local officials for delay in effecting the foregoing articles.]

7. All persons who sell or purchase the merchandise specified in article 1 for more than the *maximum* price stated and posted in each department shall pay, jointly and severally, through the municipal police, a fine of double the value of the article sold, and payable to the informer; they shall be inscribed upon the list of suspected persons, and treated as such. The purchaser shall not be subject to the penalty provided above if he denounces the contravention of the seller; and every merchant shall be required to have a list bearing the *maximum* or highest price of his merchandise visible in his shop.

8. The *maximum* or highest figure for salaries, wages, manual labor, and days of labor in every place shall be established, dating from the publication of the present law until the month of September next, by the general councils of the communes, at the same rate as in 1790, plus one-half.

9. The municipalities may put in requisition and punish, according to circumstances, with three days' imprisonment, workmen, manufacturers, and divers laborers who refuse, without legitimate grounds, to do their usual work.

[Articles 10-16 deal chiefly with administrative problems connected with this decree.]

17. During the war, all exportation of essential merchandise or commodities is prohibited on all frontiers, under any name or commission whatsoever, with the exception of salt.

18. The items above specified which are destined for export and

are intercepted in contravention at a distance of two leagues on this side of the frontier, and without a permit from the municipality of the place of the driver, shall be confiscated, with the vehicles, beasts of burden, or vessels transporting them, for the benefit of those who detain them; and a penalty of ten years' imprisonment shall be imposed upon the contraveners, owners, or drivers.

municipality, which shall cause whatever they need to be purchased.

20. The present decree shall be dispatched by special messengers.

19. In order that the crews of neutral or Frenchified vessels may not abuse the courtesy of hospitality by carrying off the surplus comestibles and provisions of maritime cities and places, they shall pre-

sent themselves to the

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21 September, 1793

SOURCE: Duvergier, v. 6, p. 179. See also: A. P., v. 74, p. 596; B. and R., v. 32, pp. 481-482; Martens, v. 5, pp. 407-408; Schmidt, p. 161. #

REFERENCES: Document 105, *infra*; decree concerning means of putting the Navigation Act into effect [Schmidt, pp. 169-173].

The Navigation Act was directed not against goods but against ships. In many respects it was a necessity, for much of French commerce was carried in foreign bottoms, especially those of Britain. It was hoped (in vain, as events were to prove) that France could build up her own merchant marine, augment her own prosperity, and, at the same time, deal Britain a death blow. As Barere put it, "Carthage will be destroyed."

*** * ***

1. Treaties of navigation and commerce now in force between France and the powers with which she is at peace shall be executed according to their form and tenor, and shall in no way be affected by the present decree.

2. After 1 January, 1794, no vessel shall be considered French, or will enjoy the privilege of French vessels, unless it has been built in France or in the colonies or other possessions of France, or declared lawful prize captured from the enemy, or

confiscated for contravention of the laws of the Republic, or unless it belongs entirely to Frenchmen and the officers and three-fourths of the crew are French.

3. No foreign commodities, products, or merchandise may be imported into France, or into its colonies or possessions, except directly by French vessels, or those belonging to inhabitants of the country where they grow or are produced or manufactured, or of ordinary ports of sale and original export, the officers and three-fourths of the crew being of the country of which said vessel flies the flag; all under penalty of confiscation of the vessels and cargoes, and of 3,000 *livres* fine, jointly and severally against the proprietors, consignees, and agents of the vessels and cargoes, captain and lieutenant.

4. Foreign vessels may not transport from one French port to another any commodities, products, or merchandise grown, produced, or manufactured in France, or in the colonies or possessions of France, under the penalties provided in article 3.

5. The tariff of national customs duties shall be revised and combined with the Navigation Act and the decree abolishing customs duties between France and the colonies.⁶¹

⁶¹ See document 27, *supra*, on the tariff; and decree of 11 September, 1793, on the colonies [Duvergier, v. 6, p. 159].

6. The present decree shall be solemnly proclaimed, without delay, in all the ports and commercial cities

of the Republic, and shall be made known in legal form, by the Minister of Foreign Affairs, to the powers with which the French nation is at peace.

105. The Embargo on English Goods

9 October, 1793 (18 Vendemiaire, Year 11)

SOURCE: Duvergier, v. 6, p. 216. See also: A. P., v. 76, p. 287; *Moniteur*, 11

October, 1793 (20 Vendemiaire, Year II), Rep., v. 18, pp. 87-88; Schmidt, dd 167-168.

This embargo was based on the assumption that Britain could be injured seriously by barring her products from France. Both this and the preceding document resulted in vigorous retaliatory measures by Pitt, and anticipated what later became Napoleon's Continental System.

*** * ***

1. All merchandise made or manufactured in England, Scotland, Ireland, and all territories subject to the Britannic government are prohibited from the soil and territory of the French Republic.

2. The customs office is required, on the personal responsibility of the administrators and the superintendents, to see that none of said merchandise is introduced or imported into France. Administrators or superintendents who have permitted or allowed the introduction or importation of said merchandise into France shall be punished with twenty years' imprisonment.

3. Any person who, dating from the day of publication of the present decree, causes to be imported, or imports, introduces, sells, or buys, directly or indirectly, merchandise made or manufactured in England, shall be punished by the same penalty provided in the preceding article.

4. Any person who conveys or uses the said merchandise, imported since the publication of the present decree, shall be deemed a suspect and punished as such, in conformity with the decree issued 17 September last.⁰²

5. All posters, placards, and signs in the English language, either indicating stores of English merchandise or bearing English marks or

⁰² The Law of Suspects [document 99, *supra*]. *names, as well as all newspapers advertising or publishing the sale of such merchandise, are prohibited, under penalty of twenty years imprisonment against the writers and owners of said posters, placards,*

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signs, and newspapers.

6. Frenchmen owning English merchandise shall be required to make a declaration thereof, within two weeks, before the municipality of the place of their residence, and to have the invoice verified there. The municipalities shall have the statements referred to the Executive Council.

7. All merchandise of English make or manufacture, existing in divers stores or shops, shall be remitted to depositories designated by the

Executive Council, reserving indemnity for the said owners and merchants, which shall be regulated according to the statements and invoices remitted by virtue of the preceding article.

106. Decree Establishing a Uniform System of Weights and Measures

1 August, 1793

SOURCE: Duvergier, v. 6, pp. 68-70. See also: A. P., v. 70, pp. 73-74; *Moniteur*, 2 and 4 August, 1793, Rep., v. 17, pp. 287, 298; Schmidt, pp. 154-155.

REFERENCES: Favre, Adrien, *Les origines du systime metrique* (Paris, 1931); documents 119, 161, 162, 163, *infra*.

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Since the later Middle Ages, French kings, ministers, scientists, and others had striven, with little success, to achieve some standard of weights and measures which would be national in its application. The *cahiers* of 1789 had added their demands, and finally in May of 1790 a preliminary decree on the matter was issued.⁶³ Thus was begun the movement which culminated in the metric system. The work was done through a special Commission on Weights and Measures, with the advice of the French Academy; and the prime movers in its earlier stages were Condorcet, Monge, Laplace, and Lavoisier. The first serious supplementary legislation appeared in the accompanying decree. The new system was based upon two fundamental principles—the meridian and the decimal system. The former is the

great circle passing around the earth through the poles; the latter is a mathematical system based on ten and its multiples.

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⁶³ It is noteworthy that the British were invited to participate in the experiment of establishing a new system of weights and measures, but that, probably because they were not in dire need of it, they declined the invitation.

The National Convention, convinced that uniformity of weights and measures is one of the greatest benefits that it can offer to all French citizens;

After hearing the report of its Committee on Public Instruction concerning the work which has been done by the Academy of Sciences in accordance with the decree of 8 May, 1790;⁶⁴

Declares that it is satisfied with the work which has already been accomplished by the Academy on the system of weights and measures; that it adopts the results thereof in order to establish said system throughout the entire Republic, under the nomenclature of the table annexed to the present decree, and in order to offer it to all nations.

Accordingly, the National Convention decrees as follows:

1. The new system of weights and measures, based on the measure of the meridian of the earth and the decimal division, shall be used uniformly throughout the entire Republic.

2. Nevertheless, in order to allow all citizens time to become acquainted with the new measures, the provisions of the preceding article will not be obligatory until 1 July, 1794; citizens are merely invited to make use thereof before that time.

3. Craftsmen chosen by the Academy of Sciences shall make standard models of the new weights and measures, which shall be sent to all departmental and district administrations.

4. The Academy of Sciences shall name four commissioners taken from its midst, and the Committee on Public Instruction shall name two, to supervise the construction of said standard models; they shall verify the exactness thereof, and shall sign the instructions that are to accompany the shipments, which shall be made by the Minister of the

Interior.

5. The Academy of Sciences shall send the Committee on Public Instruction a specific estimate of the costs necessitated by the construction of the standard models, in order that the Convention may decree the necessary funds therefor.

6. Said standard models shall be kept with the greatest care in a place intended for such purpose, the key to which shall remain in the hands of one of the commissioners of each administrative body.

7. In order to prevent the debasement of standards, the administrative bodies shall name, in each departmental or district seat, a well-informed person who is to be present when the craftsmen

have access to said standards for the purpose of constructing instruments for measurement and weight for the use of the citizens.

⁰⁴ First decree concerning weights and measures [Duvergier, v. 1, pp. 170-171].

8. As soon as the new standards have reached the district administrations, all the municipalities of each and every district shall be required to have instruments constructed for measurement and weight, which [instruments] shall remain in the communal hall.

9. The collection of the several memoranda, drafted by the commissioners of the Academy up to the present, including the details of the methods whereby the new system of weights and measures was achieved, shall be printed, and shall accompany the dispatch of the standards.

10. The Convention orders the Academy to compose, for the use of all citizens, a book containing simple instructions on the manner of using the new weights and measures, and on the application of the arithmetical calculations pertaining to the decimal system.

11. Instructions on the new measures, and their relation to former measures most generally used, shall be introduced into the elementary arithmetic books written for the national schools.

[Appended to this decree was an elementary table of the new weights and measures, with their equivalents under the old system. The point of

departure was one-quarter of the meridian, or the distance from the pole to the equator. This distance was, in terms of old units of measurement, 5,132,430 *toises*. And the basic unit of linear measurement adopted was the ten-millionth part of this quarter meridian, or 0.5132430 *toise*. This unit was called the meter, and, since the *toise*=639459 feet, the meter equalled 3.281979 feet or 39.383748 inches. The present U. S. standard of the meter is 39.37 inches. The principal measures and weights cited in the table were as follows: •

Linear Measurement

Unit: The meter

1/10 meter=1 decimeter 1/100 meter=1 centimeter 1/1000 meter=1 millimeter

Measurements of Area

Unit: The are (a square, 100 meters to the side)

1/10 are = 1 deciare (rectangle, 100 meters by 10 meters)

1/100 are=1 centiare (a square, 10 meters to the side)

Measures of Volume

The cubic meter (1051 1/3 former pints or 78.9 former bushels)

1/10 cubic meter =1 centicade 1/100 cubic meter=1 decicade 1/1000 cubic meter =1 cade Unit: 1 cubic decimeter=1 pint (French)

Weights

Unit: weight of a cubic decimeter of waters 1 grave (slightly more than

2 pounds, 11 ounces)

1/10 graven 1 decigrave 1/100 grave=1 centigrave Weight of a cubic centimeter of water 1/1000 grave =1 gravet 1/10000 grave =1 decigravet 1/100000 grave=1 centigravet

Monetary Unit

A piece of silver weighing 1/100 of a graven 1 franc]

VI. THE DECHRISTIANIZATION MOVEMENT

AND THE NEW CALENDAR

A vital force in impelling and sustaining both political and economic terror was the revolutionary ideology which reached its peak of development during the years 1793 and 1794. The manifestations of this ideology took two forms. The first, an emphasis on virtue, in the form of a love of the *Patrie* and subjugation of the individual to the general will expressed through a revolutionary religion, will be reserved for a later section of this chapter. The second, constituting the background of that religious movement, comprised a dechristianization movement and a manifestation of the revolutionary love of nature in the creation of a new calendar.

Under the stimulus of the movements for national unification in 1793 and 1794, Catholicism was faced

with the competition of a worship of national patriotism. The negative aspect of this movement took the form of a brief but vigorous dechristianization crusade, the first incident in which was the passing of additional legislation against the non-juring priests.⁶⁵ Following this, many churches were closed and converted into Temples of Reason. The positive side of the movement culminated in the somewhat ridiculous atheistic Festival of Reason on 10 November. In this are to be found the first definite efforts to substitute a religion of the Revolution for the Roman faith, the *Patrie* for God. While ultimately not averse to establishing a religion of their own, Robespierre and the Committee of Public Safety at first decried these excesses, fearing that they might alienate the more devout Catholics from the republican cause. In an attempt to offset the effects of the movement they obtained the passing of a decree on religious liberty (107). os 20 October, 1793 [Duvergier, v. 6, pp. 241-242]. This represents as well an attempt to wreak vengeance on the clergy for their part in the federalist revolt.

Meanwhile another phase of the dechristianization movement was developing. It took the form of the creation of a revolutionary calendar. This calendar was both religious and scientific in character. It was also decidedly revolutionary. By a happy coincidence, the creation of the Republic had taken place at the time of the autumnal equinox. This convinced many of the revolutionaries that they were at last achieving a “natural” order of things. During the first days of the Republic, provision had been made for dating public documents from “the first year of the French Republic,”⁰⁶ but no definite

plan for a revised calendar had been proposed. The fact that the traditional divisions of the year were to be maintained is proved by a decree of 2 January, 1793, providing that the second year of the Republic was to begin on 1 January, 1793.⁶⁷

By the Autumn of 1793, however, the idea of a completely revised calendar had gained currency. It took form in October (108, 109) and November (110), and lasted until 1806.

With the establishment of the new calendar and the Constitution of the Terror, the first phase of the period of Jacobin domination of the Convention may be said to have ended. The second phase was to come in the opening months of 1794 in the form of factional terrorism, the struggles of the revolutionaries with the conservatives and the radicals of their own group. Before proceeding to the closing stages of the Terror, however, some attention should be given to developments which all too frequently are overlooked in this period, namely the cultural trends.

107. Decree concerning Religious Liberty

8 December, 1793 (18 Frimaire, Year 11)

SOURCE: Duvergier, v. 6, p. 333 [omits preamble]. See also: A. P., v. 81, pp. 120-121; B. and R., v. 30, pp. 324-325. REFERENCE: Section IX of Chapter Two, *supra*.

In a sense a strangely conciliatory document in an era of intolerance, this decree should be viewed in the light of its qualifications. For the most part it was not effective.

* * *

1. All violence and measures contrary to liberty of worship are forbidden.

2. In this connection, the surveillance of the constituted authorities and the activity of the public force shall be restricted to matters which concern them in measures of police and public security.

3. The National Convention does not intend, by the preceding provisions, to derogate in any manner from laws or precautions of public

⁶⁶ Decree of 22 September, 1792 [Duvergier, v. 5, p. 2].

⁶⁷ See Duvergier, v. 5, p. 99. The decree provided also that public documents from 1 January, 1793, were to be dated Year II. safety against refractory or turbulent priests, or against all those who have attempted to use religion as a pretext for compromising the cause of liberty; it does not intend to disapprove what has been done up to the present by virtue of orders of the representatives of the people, or to furnish anyone whomsoever with a pretext for disturbing patriotism and lessening the vigor of the public spirit. The Convention invites all good citizens, in the name of the *Patrie*, to abstain from all disputes, theological or alien to the major interests of the French people, in order to cooperate by every means in the triumph of the Republic and the ruin of all its enemies.

4. The address in form of a response to the manifesto of the kings leagued against the Republic,

decreed by the National Convention, 15 Frimaire,⁰⁸ shall be reprinted by the order of the district administrations, for distribution and posting throughout every district; it shall be read, together with the present decree, by the municipal officials, or presidents of the sections, in the communal and sectional assemblies, not later than the next day of *decadi*.

108. Decree Establishing the French Era

5 October, 1793 (14 Vendemiaire, Year 11)

SOURCE: Duvergier, v. 6, pp. 208-209. See also: A. P., v. 76, pp. 120-121.

The first serious step in revising the calendar was taken with the passing of the present decree, which should appeal to modern advocates of calendar reform. It represented an attempt to abolish a terminology and chronology associated with the Christian religion, to apply the decimal system to time calculations, and to inject further into the daily life of Frenchmen those principles of simplicity, order, and uniformity which were so characteristic of most of the revolutionary creations.

* * *

1. The French era shall date from the establishment of the Republic on 22 September, 1792, of the common era, the day when the sun reached the true autumnal equinox . . .

2. The common era is abolished for civil uses.

3. The beginning of every year is established at midnight, beginning the day on which the true autumnal equinox falls for the Paris

Observatory. os 5 December, 1793 [A. P., v. 80, pp. 690-697].

4. The first year of the French Republic began at midnight, 22 September, 1792, and ended at midnight, separating 21 from 22 September, 1793.

5. The second year began on 22 September, 1793, at midnight. . .

6. The decree establishing the beginning of the second year at 1 January, 1793,⁶⁹ is repealed. All documents enacted within the period from 1 January to 21 September exclusive, and dated the second year of the Republic shall be regarded as belonging to the first year of the Republic.

7. The year shall be divided into twelve equal months, of thirty days each, after which five days, not belonging to any month, follow to complete the ordinary year; such days shall be called *complementary days*.

8. Each and every month shall be divided into three equal parts, of ten days each, called *decades*, and distinguished from one another as first, second, and third.

9. The months, the days of the decade, and the complementary days shall be designated by the ordinal denominations *first, second, third*, etc., day of the decade; *first, second, third*, etc., complementary day.

10. In memory of the Revolution which, after four years, has brought republican government to France, the bisextile period of four years shall be called the *franciade*.

The intercalary day terminating the aforementioned period shall be called *the day of the Revolution*. Said day shall be placed after the five complementary days.

11. The day, from midnight to midnight, shall be divided into ten parts or hours, each part into ten others, and so on up to the smallest commensurable portion of its duration. The present article shall be effective for public documents only from the first day of the first month of the third year of the Republic.

12. The Committee on Public Instruction is charged with having the new calendar printed in several formats, with a simple instruction to explain its most familiar principles and uses.

13. The new calendar, as well as the instruction, shall be sent to the administrative bodies, municipalities, courts, justices of the peace, and all public officials, schoolmasters and professors, armies, and popular societies. The provisional Executive Council shall have it transmitted to the ministers, consuls, and other agents of France in foreign countries.

⁶⁹ Decree of 2 January, 1793 [Duvergier, v. 5, p. 99].

14. All public documents shall be dated according to the new organization of the year.

15. Professors, schoolmasters and schoolmistresses, fathers and mothers of families, and all who direct the education of children in the Republic shall hasten to explain the new calendar to them, in conformity with the instruction annexed thereto.

16. Every four years, or every *fraupon* the day of the Revolution, republican games shall be celebrated in memory of the French Revolution.

109. Decree relative to the New Calendar

24 October, 1793 (3 Brumaire, Year 11)

SOURCE: Duvergier, v. 6, pp. 252-254.- See also: A. P., v. 77, pp. 496-499.

This fantastic enactment, revising the nomenclature of the days of the month and assigning to each some natural symbol, was a supplement to the decree of 5 October. It suggests some of the extremes to which the Terrorists carried their search for symbolism.

*** * ***

The National Convention, revoking article 9 of the decree of the 14th of the first month,¹ decrees that the nomenclature, denomination, and provisions of the new calendar shall be in conformity with the table annexed to the present decree.

[Then follows an elaborate table, quite in harmony with the philosophy of the age. giving a special “natural” designation for each day of the year. One of the twelve sections of this table is as follows:

FRIMAIRE

Primidi	i	Rampion
Duodi	2	Field turnip
Tridi	3	Chicory
Quartidi	4	Medlar
Quintidi	5	<i>Hog</i>
Sextidi	6	Lamb's lettuce
Septidi	7	Cauliflower
Octidi	8	Honey
Nonidi	9	Juniper tree
DfīCADI	10	PICKAXE
Primidi	11	Beeswax

Duodi	12	Horse-radish
Tridi	13	Cedar
Quartidi	14	Fir-tree
Quintidi	15	<i>Roe</i>
Sextidi	16	Furze
Septidi	17	Cypress
Octidi	18	Ivy

Cricket

FRIMAIRE (*Confd*)

Nonidi	19	Savin	Quintidi	25
DECADI	20	MATTOCK	Sextidi	26
Primidi	21	Sugar maple	Septidi	27
Duodi	22	Heather	Octidi	28

Tridi	23	Reed	Nonidi	29
Quartidi	24	Sorrel	DECADI	30

Pignon

Cork

Truffle

Olive

SHOVEL

Other days were named after such natural and other phenomena as eggplant, manure, plough, gypsum, billy goat, spinach, and tunny fish. The list is of interest, if only as an indication of known flora, fauna, tools, implements, and products of the earth.]

110. Decree Establishing the New Calendar

24 November, 1793 (4 Frimaire, Year II)

SOURCE: Duvergier, v. 6, pp. 294-301 [omits preamble]. See also: A. P., v. 80, pp. 6-13 [contains a complete almanac, pp. 15 ff.]; B. and R., v. 31, pp. 428-446.

REFERENCES: Concordances for the use of the calendar may be found in Stephens,

***French Revolution*, v. 2, App. XII, and in Higgins, p. 440. A more detailed concordance appears in Caron,**

Pierre, *Manuel pratique pour l'etude de la Revolution frangaise* (Paris, 1912), pp. 221-269; the new edition of this work (Paris, 1947) gives a concordance in abbreviated form, pp. 281-286. See also Kessen, Antoine, comp., *Le calendrier de la republique frangaise. Tables de reduction.* (Maestricht, Paris, Brussels, 1937).

In this definitive decree, the work on the revolutionary calendar was completed. The first eight and the last six articles have been omitted here because they are identical with the corresponding articles of the decree of 5 October.² The two articles and the instruction here reproduced are significant because they introduced the new terminology for the months and for the extra days at the end of the year; the latter, the “sans-culottides,” are another example of the development of revolutionary symbolism. It is noteworthy that in so far as the climate corresponded to the names of the months, it was the climate of Paris and vicinity that was used as a guide.

The calendar lasted until 1806. Its ultimate failure may be ascribed partly to its antireligious character, partly to the fact that it reduced the number of days of rest in each month, but chiefly to the reluctance of the people to take the trouble to learn and use the new system.³

*** * ***

The names of the months shall be: for the Autumn, *vendemiaire, brumaire, frimaire*; for the Winter, *nivose, pluvidse, ventose*;⁷³ for the Spring, *germinal, floreal, prairial*, for the Summer, *messidor, thermidor*.

9. The names of the days of the decade shall be *primidi, duodi, tridi, quartidi, quintidi, sextidi, septidi, nonidi, dor, jructidor.*

The last five days shall be called the *sans-culottides*,⁷⁴

• • •

10. The ordinary year shall receive one day more, as the position of the equinox necessitates, in order to maintain the coincidence of the civil year with the celestial movements. Said day, called *day of the Revolution*, shall be placed at the end of the year, and shall constitute the sixth of the *sans-culottides*.

The period of four years, at the end of which such addition of a day is ordinarily necessary, shall be called *the franciade*, in memory of the Revolution which, after four years of effort, has guided France to republican government.

The fourth year of the *franciade* shall be called *sextile*.

[Article 11 adds to the corresponding article of the decree of 5 October, 1793, the statement, "The hundredth part of the hour shall be called decimal minute; the hundredth part of the minute shall be called decimal second."]

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• • •

Continued from page 511

Winter: Nivose

Pluviose

Ventose

(month of snow) (month of rain) (month of wind)

21 Dec.-19 Jan. 20 Jan. -18 Feb. 19 Feb. -20 Mar.

Spring: Germinal

Floreale

Prairial

(month of budding) 21 Mar.-19 April

(month of flowers) 20 April-19 May

(month of meadows) 20 May-18 June

Summer: Messidor

Thermidor

Fructidor

(month of harvest) (month of heat) (month of fruit)

19 June-18 July 19 July -17 Aug. 18 Aug.-16 Sept.

Sans-culottides: 17-21 Sept., inclusive, plus extra day in leap years.

73 In the document no accents appear in the names of the winter months, though usage now gives each one a circumflex over the o.

74 cf. art. 7 of decree of 5 October, 1793
[document 108, *supra*].

**INSTRUCTION CONCERNING THE ERA OF THE
REPUBLIC AND THE DIVISION OF THE YEAR, DECREED
BY THE NATIONAL CONVENTION,
TO BE APPENDED TO THE DECREE**

First Part

Of the Motives Determining the Decree

The French nation, oppressed, degraded during many centuries by the most insolent despotism, has finally awakened to a consciousness of its rights and of the power to which its destinies summon it. Every day, for five years, of a revolution, of which the annals of the world afford no parallel, it has purged itself of all that sullied it or obstructed its progress ... It wishes its regeneration to be complete, in order that its years of liberty and glory may betoken still more by their duration in the history of peoples than its years of slavery and humiliation in the history of kings.

Soon the arts will be summoned to new progress through uniformity of weights and measures, the unique and invariable standard of which . . . will eliminate the diversity, incoherence, and inexactitude which, up to the present, have existed in that part of national business.

The arts and history, for which time is a necessary element, also required a new measurement of time, freed from all the errors which credulity and superstitious routine have handed down to us from centuries of ignorance.

It is this new standard which the National Convention today presents to the French people; at the same time, by its exactness, its simplicity, and its detachment from every opinion not sanctioned by reason and philosophy, it is to show both the impress of the enlightened members of the nation and the character of our revolution.

[The remainder of this First Part deals with “The Era of the Republic,” “The Beginning of the Era and the Year,” “The Length of the Year,” “The Fran-ciade,” and “The Division and Subdivision of the Year.” It is largely explanatory of the historical development of calendars and of the technical details of the new era. The Second Part, in similar vein, deals with the application and use of the new calendar, and its adaptation to and adoption by the people; it includes a section on watches and clocks. The instruction closes with a patriotic appeal to “good citizens” to start using this system at once. At the end of the instruction, though mentioned only in parentheses in Duvergier, the new calendar appears, flanked with several astronomical tables and a concordance with the Gregorian system.]

VII. CULTURAL TRENDS DURING THE REIGN OF TERROR

Between September, 1792, and July, 1794, the National Convention somehow managed to find time to discuss and enact numerous items of legislation pertaining to social and cultural matters.⁷⁵ In fact, if judged by the *amount* of legislation, this is perhaps the most prolific period of revolutionary social and cultural achievement.

Encouragement of artists and scientists, protection and preservation of works of art, development of the metric system,⁷⁶ establishment of a “revolutionary” calendar,⁷⁷ and abolition of Negro slavery in the colonies constituted the substance of many decrees; while the postal services, theaters, beggars, inheritance rights of illegitimate children, and charity and public relief were the subject of others.⁷⁸

As is frequently the case, especially during revolutions, much of this legislation progressed no further than the statute books. Yet, even in the form of abortive laws, it is of value as a reflection of the aims and hopes of the people who produced it. That such things could be given serious consideration under the conditions which prevailed in France at the time is, in many respects, one of the most significant facts of the history of the Revolution.⁷⁹

Representative examples of the work of the Convention which should be of interest to modern students are the decrees shown herewith dealing with copyright law (111) and education (112),

111. Decree concerning Copyrights

19 July, 1793

SOURCE: Duvergier, v. 6, pp. 29-32. See also: A. P., v. 69, p. 187.

Copyright law, whether domestic or international, is a relatively recent historical phenomenon; and this is one of its early examples. Already the Constituent Assembly had legislated on the relations of playwrights and actors, and now the rights of all authors were regulated. Heretofore, such rights were actually privileges, established by royal command and protected by the courts. In fact, the present decree was based on a series of judicial decisions dating from the

75 As indicated in Section VIII of Chapter Four, *supra*, this section will include the cultural trends for the Convention up to the fall of Robespierre; and, although the word “social” does not appear here in the title (primarily because much of the social legislation is discussed elsewhere), the general trends in that connection will be indicated also.

76 See document 106, *supra*.

77 See documents 108, 109, 110, *supra*.

78 See, for example, document 92, *supra*. .

79 For social and cultural trends in general see Chapter Four, Section VIII, footnote 86, *supra*. For the Terror period in particular see Pouchet, H. C. G., *Les sciences pendant la terreur* . . ed. by J. Guillaume (Paris, 1896). early years of the reign of Louis XVI. It is noteworthy that patent law also received serious

attention from the Constituent Assembly and its successors.

*** * ***

1. Authors of writings of every sort, composers of music, and painters and draftsmen who have pictures or drawings engraved shall enjoy, throughout their entire life, the exclusive right to sell, to have sold, or to distribute their works in the territory of the Republic, and to assign the ownership thereof in whole or in part.

2. Their heirs or assignees shall enjoy the same right during the period of ten years after the death of the authors.

3. On the requisition and for the benefit of the authors, composers, painters or draftsmen and others, their heirs or assignees, the peace officers shall be required to have confiscated all copies of editions which have been printed or engraved without the formal and written permission of the authors.

4. Any infringer shall be required to pay the real owner an amount equal to the price of 3,000 copies of the original edition.

5. Any retailer of a pirated edition, if he is not identified as the infringer, shall be required to pay the real owner an amount equal to the price of 500 copies of the original edition.

6. Any citizen who publishes a work, either of literature or engraving, of any type whatsoever, shall be obliged to deposit two copies thereof in the

***Bibliothèque Nationale* or the Bureau of Engraving of the Republic, where he shall receive a receipt signed by the librarian, without which he may have no recourse to law for the prosecution of infringers.**

7. The heirs of an author of a work of literature or engraving, or of any other product of the mind or genius which belongs to the fine arts, shall have exclusive proprietary rights thereto for ten years.

112. Decree concerning Public Education

19 December, 1793 (29 Frimaire, Year 11)

SOURCE: Duvergier, v. 6, pp. 348-349 [omits brief formal preamble]. See also:

A. P., v. 81, pp. 705—707, B. and R., v. 31, pp. 257—261 [under date of 5 Nivose, the date of adoption],

REFERENCES: Documents 73 *supra*, and 124-130 *infra*. [Note the bibliography accompanying document 73.]

The present document illustrates but one phase of the educational endeavors of the Convention. It should be noted that, although Condorcet's ideas continued for some time to determine the course of educational thinking, this decree is at variance with them in some respects. In so far as an educational *system* was concerned, the Convention, like its predecessors, lacked both time and money. Hence, while it created many *components* of a system, it never managed to establish a system in its *entirety*. In fact, its really great and enduring work (of which more will be said in the following chapter) took the form of special schools and scientific and artistic establishments. Prior to 9 Thermidor it laid the

foundations for the Museum of Natural History, the Louvre, the *Biblio-*

***theque Naionale*, and the Archives—a commendable achievement to say the least.**



Section 1. Of Education in General

1. Education is free.

2. It shall be public.

3. Citizens who wish to enjoy the privilege of teaching shall be required:

1st, To declare to the municipality or section of the commune that they intend to open a school;

2nd, To designate the kind of science or art which they propose to teach;

3rd, To produce a certificate of patriotism and morality, signed by one-half of the members of the general council of the commune or section of the place of their residence, and by at least two members of the Watch Committee of the section, or the place of their domicile, or the place nearest thereto.

4. Citizens who devote themselves to education or teaching in any art or science whatsoever shall be designated under the name of schoolmasters or schoolmistresses.

Section 2. Of the Supervision of Education

1. The schoolmasters and schoolmistresses shall be under the immediate supervision of the municipality or section, the parents, tutors, or guardians, and under the surveillance of all citizens.

2. Any schoolmaster or schoolmistress who teaches in his or her school precepts or maxims contrary to republican laws and morality shall be denounced by the supervisors, and punished according to the gravity of the offence.

3. Any schoolmaster or schoolmistress who violates public morality shall be denounced by the supervisors, and arraigned before the correctional police or any other competent court, there to be judged according to law.

Section 3. Of Primary Education

1. The National Convention charges its Committee on Instruction with presenting it with elementary books of the knowledge absolutely necessary for the training of citizens, and declares that the first of such books are the Rights of Man, the Constitution, and the list of heroic or virtuous acts.

2. Citizens who limit themselves to teaching reading, writing, and elementary arithmetic shall be required to conform, in their instruction, to the elementary books adopted and published for such purpose by the national representatives.

3. They shall be paid by the Republic in proportion to the number of pupils who attend their schools,

and in conformity with the schedule included in the following article.

4. Schoolmasters and schoolmistresses who open schools in communes of the Republic, whatever their population, shall receive annually for each child or pupil, to wit:

A schoolmaster, 20 *livres*;

A schoolmistress, 15 *livres*.

Communes more than one-half league distant from the domicile of

the nearest schoolmaster, and in which none is established because of lack of population, may choose one, on the recommendation of the district directories. The Republic will grant him (or her) an annual salary of 500 *livres*.

5. A register shall be opened in each municipality or section for the enrollment of the names of the schoolmasters and schoolmistresses in primary education, and of the children or wards entrusted to them by parents, tutors, or guardians.

6. Parents, tutors, or guardians shall be required to send their children or wards to the primary schools, and shall observe the following provisions.

7. They shall declare to their municipality or section:

1st, The first and last names of the children or wards whom they are required to send to the said schools;

2nd, The first and last names of the schoolmasters or schoolmistresses of their choice.

8. Children shall not be admitted to the schools before the age of fully six years; they shall be sent to them before the age of eight. Their parents, tutors, or guardians may not withdraw them from the said schools until they have attended them for at least three consecutive years.

9. Parents, tutors, or guardians who do not comply with the provisions of articles 6, 7, and 8 of the present section shall be denounced at the court of correctional police; and if the motives which hindered them from complying with the decree are not deemed valid, they shall be condemned, for the first offence, to a fine equal to one-fourth of their taxes.

In case of a second offence, the fine shall be double, and the guilty parties shall be considered enemies of equality, and shall be deprived of the enjoyment of the rights of citizenship for ten years. Under such circumstances, the verdict shall be posted.

10. Schoolmasters and schoolmistresses in primary education shall keep a register of the first and last names of the children, and the day and month when they were admitted to their schools. They may not, under any pretext, take any one of their pupils as a boarder, give any private lesson, or receive any kind of fee from citizens, under penalty of deprivation of office.

11. They shall be paid by trimester; and for such purpose they shall be required to submit to the municipality or section an abstract of their registers, made from month to month, bearing the first and last names of the children who have attended their lessons during each month, Such abstract shall be compared with the register of the municipality or section. When the comparison has been made, a draft shall be issued to them.

12. Such draft shall contain the number of children who have attended the school of the schoolmaster or schoolmistress during each month, and the amount which is due him or her. It shall be signed by the mayor and two municipal officials, or two members of the communal council, or by the president of the section and two members of the council of the said section, and by the secretary.

13. The drafts shall be endorsed by the directories, and paid on sight by the district collectors.

14. Young people who, on leaving the primary schools, do not apply themselves to working the land, shall be required to learn a science, art, or craft useful to society.

15. Those of the young people who, at the age of fully twenty years, have not complied with the provisions of the above article, shall be deprived of the enjoyment of the rights of citizenship for ten years.

Fathers, tutors, or guardians who have concurred in the infraction of the present decree shall suffer the same penalty.

Said penalty shall be pronounced by the correctional police, upon the denunciation made thereto, in cases where noncompliance was not occasioned by valid motives.

VIII. FACTIONAL TERRORISM; THE REPUBLIC OF VIRTUE; THE FALL OF ROBESPIERRE

From the Autumn of 1793 the Committee of Public Safety had been subjected to criticism, both inside and outside the Convention, and it was not until the Spring of 1794 that it was able to liquidate the two factions which endangered its security. These two groups represented the radical and conservative elements among the Jacobin republicans. The former, nominally under Hebert, are generally known as the w//ra-revolutionaries; the latter, under Danton, are usually called the c/mz-revolutionaries.⁴

The Ultras, influential in the Commune and the Cordeliers Club, were rabidly anti-Christian, and were inclined to favor a social program designed to aid the urban proletariat, and a political program based on repression of all suspects. The Citras, while perhaps more “respectable” in personnel, were at the same time more open to suspicion. In general they represented the opinion of those who most hated the policies and practices of the Committee, and personal animosities entered largely into their attacks on that body. The Revolutionaries, dominated by Robespierre, were conditioned in their attitude towards their opponents partly by the fact that they looked forward to the establishment of a Rousseauan Republic of Virtue, an achievement which could not

be realized until the Ultras and Citras were liquidated.

On 13 March, Robespierre obtained the passing of a decree against conspiracies, and on the same date Hebert and several of his associates were placed under arrest. After a brief trial they were found guilty of plotting against the security of the State, and on 24 March they were sent to the guillotine. The fall of Hebert not only terminated the activities of the Ultras; it sealed the doom of the Citras as well. Many of the Dantonist group were placed under arrest on charges of graft and counter-revolution. Finally Danton himself was arrested (along with Desmoulins and others), and on 5 April he was condemned and executed.

The fall of the Citras and Ultras closed the second phase of the Terror and ushered in its third and final stage. On 1 April the Committee of Public Safety assured its dominant position by abolishing the provisional executive council and replacing the ministry with twelve commissions (114). Thus was inaugurated the period of ascendancy of the Committee of Public Safety—also the period of the supremacy of Robespierre.

Robespierre was a typical reformer—sincere (if somewhat misguided), ascetic in personal habits, fanatical in zeal, suspicious of all opposition, and pursuing his single purpose with the frenzy of a crusader. The goal which Robespierre and his associates sought with such avidity was a sort of ideal Rousseauan republic, founded on virtue, based on the idea of the general will, and serving as an instrument of what today might be called “social

justice.” Unfortunately for these zealots, their plan was to prove both inadequate and impracticable, and their efforts to bring it to fulfillment were to result in their downfall. These efforts may be considered from three points of view: economic and social policies, the revolutionary religion, and the continued application of the Terror.

The attempt of the Robespierrist faction to achieve its economic and social goals was handicapped by the lack of a comprehensive plan and by the stress of circumstances. The principal contribution came even before the consolidation of the power of the Great Committee, and took the form of an attempt at distributing the landed wealth (114). This proved unsatisfactory, for the peasants wanted more than the legislation provided; and continued inflation and a partial crop failure in the Summer of 1794 heightened the dissatisfaction. In his desire for power, Robespierre had to play for the support of at least some of the “influential” element which regarded revolution with profound disapproval; and, although he was in sympathy with the masses, Robespierre favored an essentially petty bourgeois state rather than a socialistic one. Hence, he failed to please the one group because he went too far, and he antagonized the other group by not going far enough.

At the same time endeavors were being made to propagandize republicanism through a revolutionary religion. To Robespierre this appeared necessary as a unifying force through which civic virtue could be instilled into the people. And, after the fall of his opponents, he turned to its creation. On 7 May the essentials of his religion were incorporated in a

decree (115), and a month later, at the Tuileries Gardens he inaugurated the new worship. Despite its inadequacies, the new Worship of the Supreme Being might have been tolerated for a time, but the resumption of the Terror was to cast a stigma on it almost from the outset.

Terror was still regarded as a necessity. In April legislation was passed against conspirators. In May the Revolutionary Tribunal was reorganized in such a manner as to speed up its working.⁸¹ And on 10 June the final process of consolidation took form in the Law of 22 Prairial (116). Between the passage of this law and the end of July, more victims were sent to the guillotine in Paris than during the preceding year. This final outburst of Terror was to prove fatal to its perpetrators. #

By July of 1794 Robespierre had become the personification of the Terror, and popular opinion, actuated by the fear which develops in every terrorist

⁸¹ 8 May, 1794 [Duvergier, v. 7, pp. 159-160]. regime, was turning against him. Furthermore, one of the basic reasons for the institution of the Terror no longer existed—France was no longer in immediate danger from her foreign enemies. Jourdan's victory over the Austrians at Fleurus on 24 June had opened a new French invasion of the Netherlands, and Pichegru had crossed the Rhine. Both middle-class patriots and disgruntled *sans-culottes* were coming to feel that the Terror was nothing more than a political weapon which might be used indiscriminately against anybody at any time.

Robespierre's ascendancy in the Committee of Public Safety left him open to charges of dictatorship, and now all opponents of the Terror united against him. Even in the Committee itself he could count only Saint-Just and Couthon as loyal supporters. On 26 July, 1794, he made a defiant speech (incidentally, his last), the result of which was that his enemies were provided with a pretext for final unified action. Gaining control of the Convention, they denied Robespierre the floor, subjected him to bitter denunciation, and later issued an order for his arrest. On 28 July, with Saint-Just and Couthon and some twenty of their associates, he trod the path to which he had sent so many others; and during the ensuing week some hundreds of his supporters followed him.

Thus ended the Republic of Virtue. Henceforth the fate of the Revolution was to lie in the hands of "respectable" men, the substantial bourgeoisie. "The Tenth of August had displaced aristocracy; the Tenth of Thermidor marked the defeat of sansculottism and the accession to power of the class which still governs France." ⁸²

113. Decree Replacing the Ministry with Twelve Commissions

1 April, 1794 (12 Germinal, Year 11)

SOURCE: Duvergier, v. 7, pp. 126-128. See also: *Moniteur*, 3 April, 1794 (14 Germinal, Year II), Rep., v. 20, pp. 116-117; B. and R., v. 32, pp. 174-178 [omits article 22]; C. and G., pp. 92-95 [omits article 2].

The outstanding feature of this document is the manner in which the powers of the ministry are virtually nullified. From this time until the fall of Robespierre the Committee of Public Safety enjoyed an increasingly powerful position in France.



1. The provisional Executive Council and the six ministers who compose it are abolished.

. All their duties shall cease on 1 Floreal next.

2. The ministry shall be supplanted by twelve commissions, enumeration of which follows herewith:

1st, Commission on Civil Administration, Police, and Courts; 2nd, Commission on Public Instruction; 3rd, Commission on Agriculture and the Arts; 4th, Commission on Commerce and Provisions; 5th, Commission on Public Works; 6th, Commission on Public Relief; 7th, Commission on Transport, Postal Service, and Stagecoaches; 8th, Commission on Finance; 9th, Commission on Organization and Activity of the Land Army; 10th, Commission on the Navy and Colonies; 11th, Commission on Arms, Munitions, and Mining; 12th, Commission on Foreign Affairs.

3. Each of said commissions, with the exception of those indicated in the following article, shall be composed of two members and one associate; said associate shall perform the duties of secretary and archivist of the commission.

4. The Commission on Civil Administration, Police, and Courts, and the Commission on Public Instruction each shall consist of one commissioner and two associates.

The Commission on Foreign Affairs shall consist of only one commissioner, without an associate.

The Commissions on War and the Navy shall consist of only one commissioner and one associate.

That on finance shall consist of five commissioners and one associate.

The National Treasury, the Bureau of Accounts, and the Bureau of General Liquidation shall be independent of the aforesaid commissions, and shall correspond directly with the National Convention and the Committee of Public Safety.

5. The Commission on Civil Administration, Police, and Courts shall include the commission at present known as the *Commission for the Dispatch of Laws*.

It shall be responsible for the seal of the Republic and the archives of the seal;

For the printing of laws, their publication, and their dispatch to all civil and military authorities;

For the general maintenance of police, and the surveillance of courts and administrative and municipal bodies.

6. The Commission on Public Instruction shall be responsible for the preservation of national

monuments, public libraries, museums, natural history collections, and collections of rarities;

For the surveillance of schools and the method of instruction;

For whatever concerns inventions and scientific research;

For the establishment of weights and measures;

For national spectacles and festivals;

For the drafting of tables of population and for political economy.

7. The Commission on Agriculture, the Arts, and Manufactures shall be responsible for whatever concerns rural economy, drainage and clearing of land, the raising of domestic animals, veterinary schools, the mechanical arts, factories, spinning, and whatever concerns manufacturing.

8. The Commission on Commerce and Provisions shall be responsible for the internal circulation of supplies and commodities of every kind, and with imports and exports;

For the establishment of public granaries and storehouses of every type;

For provisions for the armies, and for their clothing, equipment, barracks, and encampment.

It alone shall exercise the right of pre-emption, under the surveillance of the Committee of Public Safety.

9. The Commission on Public Works shall be responsible for the construction of bridges and highways, and for the general system of roads and canals throughout the Republic;

For harbor works and coastal defences;

For fortifications and defensive works on the frontiers;

For national monuments and edifices, civil and military.

10. The Commission on Public Relief shall be responsible for whatever concerns the administration of civil and military hospitals, outdoor relief, the suppression of begging, invalids, deaf and dumb persons, foundlings, and the sanitation of jails.

11. The Commission on Transport, Postal Service, and Stagecoaches shall be responsible for whatever concerns haulage, post-houses, letter post, remounts, and military trains, convoys, and relays of every kind.

12. The Commission on Finance shall be responsible for whatever concerns the administration of national domains and revenues, direct taxes, woods and forests, alienation of domains, *assignats*, and monies.

13. The Commission on Organization and Activity of the Land Army shall be responsible:

For levying and organizing troops;

For military drill and discipline;

For military operations and movements.

14. The Commission on the Navy and Colonies shall control the levy of seamen, and the classes and organization of naval forces;

The defence of the colonies;

The direction of maritime forces and expeditions.

15. The Commission on Arms and Munitions shall be responsible for whatever concerns the manufacture of firearms and sabers, foundries, artillery pieces, and all implements of war;

For gunpowder, saltpeter, and munitions of war;

For magazines and arsenals, for both army and navy.

16. Finally, the Commission on Foreign Affairs shall be responsible for foreign affairs and for customs duties.

17. Said twelve commissions shall correspond with the Committee of Public Safety, to which they are subordinate; they shall render account thereto of the sequence and motives of their respective activities.

The Committee shall annul or modify such of said operations as it finds contrary to law or to the public interest. It shall expedite the transaction of business among them, and shall establish their respective attributions and the lines of demarcation among them.

18. Each of the commissions shall remit daily to the Committee of Public Safety:

1 st, A summary statement of the condition of its department;

2nd, Denunciation of abuses, and difficulties of execution which are encountered;

3rd, Its views on the reform, improvement, and expediting of measures of public order.

The members of the individual commissions are jointly and severally responsible for their illegal acts and their negligence, in conformity with the decree of 14 Frimaire, relative to revolutionary government.⁸³

19. All positions or powers, both civil and military, shall be granted in the name of the Convention, and issued with the approval of the Committee of Public Safety.

20. The members of the commissions, and their associates, shall be appointed by the National Convention, on the recommendation of the Committee of Public Safety.

Said commissions shall organize their bureaux without delay, with the approval of the Committee of Public Safety. The choice of employees likewise shall be submitted to it, and must be confirmed thereby.

21. The salary of each commissioner shall be 12,000 *livres*; that of each associate shall be 8,000 *livres*; that of employees in the bureaux shall be

decreed by the Committee of Public Safety, and may not exceed 6,000 *livres*.

⁸³ 4 December, 1793 [document 101, *supra*].

22. The Committee of Public Safety is responsible for taking all measures necessary for the execution of the present decree.

114. The Ventose Decrees

3 March, 1794 (13 Ventose, Year 11)

SOURCE: **Mautouchet, Paul ed.**, *Le gouvernement rSvolutionnaire (10 aotit 7792-*

4 Brumaire an IV) (Paris: E. Comely, 1912), pp. 275-276. [Used here by permission of the publisher.]

On 26 February, 1794 (8 Ventose, Year II), the first “Ventose” decree had declared the property of public enemies subject to sequestration.⁸⁴ There was nothing particularly novel about this, for confiscation of property (especially that of enemies) had long been a part of revolutionary policy. The unusual feature appeared a few days later, however, in the second (and last) of the “Ventose” decrees which appears herewith.

Obviously this document was designed to aid the landless peasants by distributing the confiscated lands among them, but it was poorly drafted and badly applied. Many of the enemies owned no land, and the survey of “landless” was never made. Moreover, what the peasants really wanted—disestablishment of *metayage* and division of the large estates—received scant attention. Hence, what

in some respects represented the apogee of the Robespierriest social and economic policies proved a failure, and was repealed in August, 1794. All that remains of this potential economic revolution is an empty ledger.⁸⁵

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The National Convention, on the recommendation of the combined Committees of Public Safety and General Security, decrees:

- 1. All the communes of the Republic shall draft statements of the indigent patriots within their confines, giving name, age, occupation, and the number and age of their children. The district directories shall forward such statements to the Committee of Public Safety as soon as possible.**
- 2. When the Committee of Public Safety has received said statements, it shall make a report on the means of indemnifying all the unfortunates with the property of enemies of the Revolution, according to the list presented to it by the Committee of General Security, which list it shall make public. [5](#)**
- 3. Accordingly, the Committee of General Security shall give exact orders to all the Watch Committees of the Republic, so that, within a time limit which it shall determine for each district, according to its location, said committees shall transmit respectively the names and the conduct of all those imprisoned since 1 May, 1789. The same shall apply to those imprisoned henceforth.**

4. The Committee of General Security shall append to the present decree an instruction, to facilitate the execution thereof.

4

115. Decree Establishing the Worship of the Supreme Being

7 May, 1794 (18 Floreal, Year II)

SOURCE: *Moniteur*, **8 May, 1794 (19 Floreal, Year II), Rep., v. 20, p. 411. See also: B. and R., v. 32, pp. 379-381 [and pp. 353 ff. for discussion].**

REFERENCE: **Aulard, F. V. A., *Le culte de la raison et le culte de Yetre supreme***

(1793-1794) . . . , 2nd ed., rev. (Paris, 1904).

Already the cult of national patriotism was a reality, and the abortive Worship of Reason had afforded an example of how traditional Catholicism might be supplanted by something more closely related to current events. In Robespierre's mind apparently the new religion was theoretical (in that it derived from Rousseau's belief that the state should assume responsibility for the souls of its people) and practical (in that Robespierre himself observed that the time seemed ripe for utilizing such a movement in furthering national unity in support of revolutionary republicanism). The document should be of interest, particularly to students of religion and of revolutions, as a type of development which is common in revolutionary movements.

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1. The French people recognize the existence of the Supreme Being and the immortality of the soul.

2. They recognize that the worship worthy of the Supreme Being is the observance of the duties of man.

3. They place in the forefront of such duties detestation of bad faith and tyranny, punishment of tyrants and traitors, succoring of unfortunates, respect of weak persons, defence of the oppressed, doing to others all the good that one can, and being just towards everyone.

4. Festivals shall be instituted to remind man of the concept of the

Divinity and of the dignity of his being.

5. They shall take their names from the glorious events of our Revolution, or from the virtues most dear and most useful to man, or from the greatest benefits of nature.

6. The French Republic shall celebrate annually the festivals of 14 July, 1789, 10 August, 1792, 21 January, 1793, and 31 May, ¹⁷⁹³.

7. On the days of *decade* it shall celebrate the following festivals:

To the Supreme Being and to nature; to the human race; to the

French people; to the benefactors of humanity; to the martyrs of liberty; to liberty and equality; to the Republic; to the liberty of the world; to the love of

the *Patrie*', to the hatred of tyrants and traitors; to truth; to justice; to modesty; to glory and immortality; to friendship; to frugality; to courage; to good faith; to heroism; to disinterestedness; to stoicism; to love; to conjugal love; to paternal love; to maternal tenderness; to filial piety; to infancy; to youth; to manhood; to old age; to misfortune; to agriculture; to industry; to our forefathers; to posterity; to happiness.

8. The Committees of Public Safety and Public Instruction are responsible for presenting a plan of organization for said festivals.

9. The National Convention summons all talents worthy of serving the cause of humanity to the honor of concurring in their establishment by hymns and civic songs, and by every means which may contribute to their embellishment and utility.

10. The Committee of Public Safety shall designate the works which seem to it the most suitable to realize these objectives, and shall compensate their authors.

11. Liberty of worship is maintained, in conformity with the decree of 18 Frimaire.⁸⁶

12. Every assembly which is aristocratic and contrary to public order shall be repressed.

13. In case of disturbances occasioned or motivated by any worship whatsoever, those who instigate them by fanatical preachings or counter-revolutionary insinuations, or those who provoke

them by unjust and gratuitous violence, likewise shall be punished according to the rigor of the law.

14. A special report shall be made concerning the arrangements of detail relative to the present decree.

15. A festival in honor of the Supreme Being shall be celebrated on 20 Prairial next.

⁸⁶ 8 December, 1793 [document 107, *supra*].

David is charged with presenting a plan therefor to the National Convention.

[1](#)

**Decree of 5 October, 1793 (14 Vendemiaire)
[document 108, *supra*].**

[2](#)

Document 108, *supra*.

[3](#)

The following summary of the calendar may be of value to students.

**Autumn: VendSmiaire (month of vintage) 22
Sept.-21 Oct.**

Brumaire (month of fog) 22 Oct. -20 Nov.

Frimaire (month of frost) 21 Nov.-20 Dec,

Footnote continued on page 512

One of the most interesting features of the struggle of the government with the Ultras and the Citras was the Committee's suspicion that its critics represented not merely a political opposition, but a conspiracy fostered by the European coalition. Thus, criticism was to become treason and was to be punishable as such. This particular psychology is by no means an isolated phenomenon, as any student of the revolutions of the twentieth century knows all too well.

*** Duvergier, v. 7, p. 84; also, Mautouchet, *op. cit.*, *supra*, p. 275.**

⁸⁵ See Thompson [Am. ed.], p. 531.

116. The Law of 22 Prairial

10 June, 1794 (22 Prairial, Year 11)

SOURCE: Duvergier, v. 7, pp. 190-192 [lacks brief formal preamble and article 22 providing for promulgation]. See also: *Moniteur*, 12 June, 1794 (24 Prairial Year II), Rep., v. 20, pp. 696-697; B. and R., v. 33, pp. 193-198.

This law really took the administration of the Terror out of the hands of the Convention and placed it entirely in those of the Great Committee.

Moreover, whereas provision had been made previously for sorting the prisoners and even for liberating some who had been wrongfully imprisoned, this enactment added to the general definition of public enemies and increased the number sent before the Tribunal. Historians seem generally agreed that the law was not only a “monstrous crime,” it was also the ultimate cause of Robespierre’s downfall.

*** * ***

1. In the Revolutionary Tribunal there shall be a president and four vice-presidents, one public prosecutor, four substitutes for the public prosecutor, and twelve judges.

2. The jurors shall be fifty in number.

3. The divers functions shall be performed by the citizens hereinafter named; . . . ,⁸⁷

The Revolutionary Tribunal shall divide itself into sections, composed of twelve members, to wit: three judges and nine jurors, which jurors may not pass judgment unless they are seven in number.

4. The Revolutionary Tribunal is instituted to punish the enemies of the people.

5. The enemies of the people are those who seek to destroy public liberty, either by force or by cunning.

6. The following are deemed enemies of the people: those who have instigated the re-establishment of monarchy, or have sought to disparage or dissolve the National Convention and the revolutionary and republican government of which it is the center;

Those who have betrayed the Republic in the command of places and armies, or in any other military function, carried on correspondence with the enemies of the Republic, labored to disrupt the provisioning or the service of the armies;

⁸⁷ Fouquier-Tinville was named public prosecutor.

Those who have sought to impede the provisioning of Paris, or to create scarcity within the Republic;

Those who have supported the designs of the enemies of France, either by countenancing the sheltering and the impunity of conspirators and aristocracy, by persecuting and calumniating patriotism, by corrupting the mandataries of the people, or by abusing the principles of the

Revolution or the laws or measures of the government by false and perfidious applications;

Those who have deceived the people or the representatives of the people, in order to lead them into undertakings contrary to the interests of liberty;

Those who have sought to inspire discouragement, in order to favor the enterprises of the tyrants leagued against the Republic;

Those who have disseminated false news in order to divide or disturb the people;

Those who have sought to mislead opinion and to prevent the instruction of the people, to deprave morals and to corrupt the public conscience, to impair the energy and the purity of revolutionary and republican principles, or to impede the progress thereof, either by counter-revolutionary or insidious writings, or by any other machination;

Contractors of bad faith who compromise the safety of the Republic, and squanderers of the public fortune, other than those included in the provisions of the law of 7 Frimaire;⁸⁸

Those who, charged with public office, take advantage of it in order to serve the enemies of the Revolution, to harass patriots, or to oppress the people;

Finally, all who are designated in previous laws relative to the punishment of conspirators and counter-revolutionaries, and who, by whatever means or by whatever appearances they assume,

have made an attempt against the liberty, unity, and security of the Republic, or labored to prevent the strengthening thereof.

7. The penalty provided for all offences under the jurisdiction of the Revolutionary Tribunal is death.

8. The proof necessary to convict enemies of the people comprises every kind of evidence, whether material or moral, oral or written, which can naturally secure the approval of every just and reasonable mind; the rule of judgments is the conscience of the jurors, enlightened by love of the *Patrie*; their aim, the triumph of the Republic and the ruin of its enemies; the procedure, the simple means which good sense

⁸⁸ Law of 27 November, 1793, on embezzlement [Duvergier, v. 6, pp. 304-305]. dictates in order to arrive at a knowledge of the truth, in the forms determined by law.

It is confined to the following points.

9. Every citizen has the right to seize conspirators and counterrevolutionaries, and to arraign them before the magistrates. He is required to denounce them as soon as he knows of them.

10. Nobody may arraign anyone before the Revolutionary Tribunal except the National Convention, the Committee of Public Safety, the Committee of General Security, the representatives of the people who are commissioners of the Convention, and the public prosecutor at the Revolutionary Tribunal.

11. The constituted authorities in general may not exercise such right without having notified the Committee of Public Safety and the Committee of General Security and obtained their authorization.

12. The accused shall be examined publicly in the courtroom: the formality of the preceding secret examination is suppressed as superfluous; it shall take place only under special circumstances in which it is deemed useful for a knowledge of the truth.

13. If either material or moral proofs exist, apart from the attested proof, there shall be no further hearing of witnesses, unless such formality appears necessary, either to discover accomplices or for other important considerations of public interest.

14. In case there is occasion for such proof, the public prosecutor shall cause to be summoned those witnesses, whether for or against, who may enlighten justice.

15. All proceedings shall be conducted in public, and no written deposition shall be received, unless witnesses are so situated that they cannot come before the Tribunal; and in such case an express authorization of the Committees of Public Safety and General Security shall be necessary.

16. The law provides sworn patriots as counsel for calumniated patriots; it does not grant them to conspirators.

17. The pleadings completed, the jurors shall formulate their verdicts, and the judges shall pronounce the penalty in the manner determined by law.

The president shall propound the question with lucidity, precision, and simplicity. If it is presented in an equivocal or inexact fashion, the jury may ask that it be propounded in another manner.

18. The public prosecutor may not, on his own authority, discharge an accused person sent to the Tribunal, or one whom he himself has caused to be arraigned before it; in case there is no ground for accusation before the Tribunal, he shall make a written and motivated report thereon to the chamber of the council, which shall decide. But no accused person may be discharged from trial before the decision of the chamber has been communicated to the Committees of Public Safety and General Security, who shall examine it.

19. A duplicate register shall be kept of the persons arraigned before the Revolutionary Tribunal, one for the public prosecutor and the other for the Tribunal, and all accused persons shall be enrolled thereon as they are arraigned.

20. The Convention modifies all those provisions of previous laws which are at variance with the present law, and it does not intend that laws concerning the organization of the ordinary courts should apply to the crimes of counter-revolution or to the functioning of the Revolutionary Tribunal.

21. The report of the Committee shall be appended to the present decree as an instruction.

***Suggestions for Reading and Reference* THE REIGN OF TERROR**

(For full titles see Key to Abbreviations, *supra*)

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352, 520; Bourgin, pp. 241-260 *passim*, 307-346; C. and G., pp. 71-78, 80-81, 93-97, 173-174, 196, 204-211, 252-253 *passim*, 258-260 *passim*, 260-261 273-275, 282-289, 299, 304-305, 347-351, 363, 376-377, 380-383, 397, 401' 410-413 *passim*, 417-419, 429-431 *passim*, 436-437, 451-454, 466, 467-471 *passim*, 474—477, 478-479 *passim*, 481—484 *passim*; Caron, pp. 1-27 *passim*, 51-106, 172-183; Clercq, v. 1, pp. 229-231; D. and M., pp. xxxii-xliii, 66-78; Duvergier, v. 5, pp. 312 ff., v. 6, v. 7, pp. 1-238; Helie, pp. 337-341 *passim*, 373-414; Higgins, pp. 293-362; Martens, v. 5. pp. 194-197, 373-374, 383-384, 480-552, 569-603, 606-640, and Table, pp. 47-49; *Moniteur*, v. 16, pp. 533 ff., v. 17-20, v. 21, pp. 1-328 and ff.; Schmidt, pp. 1-29 *passim*, 151-214; Schmidt, *Industrie*, pp. 1-21 *passim*, 72-83; Schmidt, *Tableaux*, v. 2, pp. 1-219; Stephens, *Speeches*, v. 1, pp. 32-38 *passim*, 501-541, and v. 2, pp. 1-167, 244-298, 374— 539, 559-574; Thompson, *Witnesses*, pp. 239-256.

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COUNTER-REVOLUTION AND EMIGRES: **see Chapter Three, *supra*, Section I, footnotes 1 and 3.**

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BIOGRAPHY

[See statement at end of Chapter One, *supra*.]

CHAPTER SEVEN--THE FINAL PHASE OF THE CONVENTION:

THE THERMIDORIAN REACTION

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128. Decree Establishing a Conservatory of Music, 3 August, 1795 (16 Thermidor, Year III).

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25 October, 1795 (3 Brumaire, Year IV).

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131. Decree of the Two-Thirds, 30 August, 1795 (13 Fructidor, Year III).

132. Proclamation of the Convention concerning the Events of

13 Vendemiaire, 5 October, 1795 (13 Vendemiaire, Year IV).

133. Letter from Napoleon Bonaparte to Joseph Bonaparte,

6 October, 1795 (14 Vendemiaire, Year IV).

THE FINAL PHASE OF THE CONVENTION: THE THERMIDORIAN REACTION

(29 July, 1794-26 October, 1795)

Robespierre's successors had overthrown him ostensibly because of his terroristic dictatorship; but they had no intention of foregoing the use of terror to maintain themselves in office if need be. The "Thermidorian Reaction the name which has come to be applied to the final phase of the Convention—was not in their plans. The principal aim of the members of the Rump Convention was to save themselves—from a possible restoration of monarchy, from foreign plots, and, above all, from personal liquidation. Already, however, forces were at work which were to necessitate the adoption of a systematic policy of reaction *against* the Terror and its adherents.

As indicated in the preceding chapter, one of the basic reasons for the Terror, namely, the war crisis, no longer existed. With Robespierre's death, the personification of the Terror also was removed. Many of the anti-Robespierre faction were the well-to-do element, who felt that it was time to return to "normalcy," to eliminate the emergency devices which had borne so heavily upon them. The members of the Rump found themselves praised as national heroes, regarded as leaders of reaction. They were shrewd enough to face the situation and make the most of it.

The leading Thermidorians were Tallien, Freron, and Barras.¹ The Rump Convention through which they worked was dominated by a coalition of their followers and members of the Plain,² while a group of the remaining supporters of the Montagnard philosophy constituted an aggressive minority opposition.

The work of the Thermidorians assumed two main forms—obliteration of the remaining vestiges of the Terror, and completion of the task for which the Convention had originally been summoned. These forms are apparent, jointly or severally, in politics and religion (I), in connection with economic problems (II), in the repression of counter-revolution and the termination of the First Coalition (III), and in the completion of a constitution (IV). The Thermidorians also found time to supplement much of the cultural legislation of their predecessors (V); and, despite attempts to render their constitutional labors abortive (VI), they weathered the storm and emerged as the controlling element in the new

government of the Directory, under the constitution which they themselves had created.

The success of the Thermidorians in perpetuating themselves in office was made possible largely through the aid of Napoleon Bonaparte (VI). Ere long he, and not the direct heirs of the Revolution, was to control the destiny of

France. If the Revolution did not *end* with the Convention, at least its days were numbered.

!• THE REACTION IN POLITICS AND RELIGION

In politics the Terror had been characterized by centralization and continuity of administrative personnel. Reaction, therefore, would, and did, involve a trend in the direction of decentralization and changes of personnel. Provision was made for renewals of membership in the committees, the committee system was reorganized, the powers of the great Committees were redefined, and the Convention again became the controlling power in the government. The Jacobin Clubs were first restricted and then abolished. The Revolutionary Tribunal was reorganized (117). Since the Commune had ended on 9 Thermidor, the administration of Paris was now placed under commissions of the Convention. The local revolutionary committees gradually declined in influence and ultimately disappeared, the Law of Suspects was repealed, and in January, 1795, the Deputies on Mission were reorganized.

Thus, by the opening of 1795 the political machinery of the Terror had been either modified or eliminated.

Terror continued in some forms, however, but now against its former exponents. Vengeance was decreed against the Robes-pierrists, and the *jeunesse doree* (gilded youth), young men of affluence and royalist sentiments, took upon themselves the responsibility of seeking out and beating Jacobin sympathizers. Compensation was provided for victims of the Terror, thousands of imprisoned suspects were released, and by March, 1795, many of the surviving Girondins had resumed their seats and again were a powerful force in the Convention.³

Reaction was apparent in religion as well as in politics. The Thermidorians continued the religion of patriotism, the revolutionary calendar, and the civic festivals; and in September they decreed the termination of state responsibility for maintaining any worship whatsoever. The revolutionary religion, however, was associated too closely with the Terror, the closing of the Jacobin Clubs had removed one of the main sources of its motivation, and it had never had a wide following. What ensued, to the annoyance of the Thermidorians, was a revival of Catholicism. In January many churches were reopened, and, in the interests of peace, the Convention issued a decree affirming religious liberty. In September, 1795, the reaction in religion assumed final form in legislation on the exercise of worship (118).

Political and religious reaction, however important, did not occupy all the time of the Thermidorians. Like their predecessors, they were forced to struggle with ever-present economic problems.

³ A small determined group of Jacobins tried to stop the reaction. More will be said of them in Section III, *infra*.

117. Decree Reorganizing the Revolutionary Tribunal

28 December, 1794 (8 Nivose, Year 111)

SOURCE: Duvergier, v. 7, pp. 357-361. See also: *Moniteur*, 3 January, 1795

(14 Nivose, Year III), Rep., v. 23, pp. 107-110.

REFERENCES: Documents 66, 83, 99, 100, 101, 116, *supra*.

This might be called a typical “Thermidorian” document. The new Tribunal acquitted far more than it convicted, and it was finally disestablished on 31 May, 1795. It is of interest to note that the last man guillotined by sentence of the Tribunal was Fouquier-Tinville, the notorious Public Prosecutor of the Terror. Henceforth, cases of treason were handled by the ordinary courts.

*** * ***

TITLE I

COMPETENCE OF THE REVOLUTIONARY TRIBUNAL

1. The Revolutionary Tribunal shall have cognizance of all attacks upon the internal and external security of the State, the liberty, equality, unity, and indivisibility of the Republic, and the national representation, and of all plots tending towards the re-establishment of monarchy or the

establishment of any authority prejudicial to the sovereignty of the people.

2. It shall likewise have cognizance, in conformity with the law of 19 Floreal,⁴ of cases of negligence, malversation, and other offences mentioned in the law of 14 Frimaire,⁵ of which the members and associates of the executive commissions and the judges and public prosecutors of the criminal courts may be guilty.

3. The criminal courts shall continue to have cognizance, concurrently with the Revolutionary Tribunal, of counter-revolutionary offences, cognizance of which was reserved to them by the law of 19 Floreal.⁶

Moreover, they shall have cognizance exclusively of all thefts and embezzlements of national funds or chattels, although not included in the law of 7 Frimaire,⁷ by observing the forms prescribed by said law and by those of 14 Germinal and 21 Floreal.⁸

⁴ Decree of 8 May, 1794, regulating the competence of the Revolutionary Tribunal of Paris [Duvergier, v. 7, pp. 159-160].

⁵ 4 December, 1793 [document 101, *supra*].

⁶ See note 4, *supra*.

⁷ Decree of 27 November, 1793, on the form of proceedings against those accused of embezzlement [Duvergier, v. 6, pp. 304-305].

8 Decree of 3 April, 1794, on embezzlement [Duvergier, v. 7, pp. 131-132], and decree of 10 May, 1794, on proceedings against persons accused of purchase or sale of specie [*ibid.*, p. 162],

4. Accordingly, the law of 29 September, 1793, concerning infidelities of agents or overseers of the administrations, and purveyors of the Republic ⁹ shall remain restricted to those which might occasion deficiency of army supplies.

TITLE II

COMPOSITION OF THE REVOLUTIONARY TRIBUNAL

5. The Revolutionary Tribunal shall be composed of twelve judges (including a president and two vice-presidents), a public prosecutor and three deputies, and a clerk.

6. There shall be thirty jurors attached to the Revolutionary Tribunal.

7. The Tribunal and the jury shall be renewed in their entirety every three months.

8. Citizens summoned to the position of judge, public prosecutor or deputy, or juror of the Revolutionary Tribunal shall be required to betake themselves to their posts without delay; they are put in requisition for such purpose.

The positions or employments which they occupy at the time shall be maintained for them; and, if they have no substitutes, they shall be replaced provisionally by the National Convention.

9. They shall be reimbursed for traveling expenses, both to and from their posts, without reduction of the indemnities and stipends granted them by previous laws.

10. Six appointed court clerks, six appointed forwarding clerks, six bailiffs, one *concierge*, and five office boys shall be connected with the Revolutionary Tribunal.

In addition, seven appointed secretaries and two office boys shall be connected with the public prosecutor's office.

TITLE III

ORDER OF SERVICE

11. The judges of the Revolutionary Tribunal shall be divided into two sections.

12. Each section shall be composed of six judges.

13. Said six judges shall be employed daily and alternately, to wit. three to preside for judging the accused publicly, and three to conduct,

⁰ See Duvergier, v. 6, p. 195. in the counsel room, the proceedings of inquiry which are to precede the pleadings and public examination of each case.

14. The judges shall be assigned to the two sections by lot, and such procedure shall be repeated monthly.

. • • • • • ...

16. Judges of one section may substitute for those of another section.

17. When a suit is brought before the Revolutionary Tribunal, the section to which it is to be assigned shall be determined by lot.

18. If, however, one section finds itself burdened with more business than the other, it shall not be admitted to the drawing until an equal number has been assigned to the other section.

TITLE IV

ARRAIGNMENT BEFORE THE REVOLUTIONARY TRIBUNAL

21. No one may be arraigned before the Revolutionary Tribunal except:

By a decree of the National Convention;

Or by an order of the Committee of General Security;

Or by warrant of arrest issued either by the Tribunal or by the public prosecutor, in the cases determined by articles 22, 23, and 66 hereinafter.

22. The public prosecutor may issue warrants for the arrest of accessories to offences brought before the Tribunal, and may have them tried conjointly with the principal accused.

... .

23. When the deposition of a witness appears obviously false, the Tribunal shall issue forthwith,

either of its own accord or on requisition of the public prosecutor, a warrant for his arrest, by virtue of which he shall be tried immediately by the same jurors and judges before whom he has made said deposition.

24. The representatives of the people on mission in the departments shall have brought before the Committee of General Security persons whom they have placed under arrest as charged with offences within the competence of the Revolutionary Tribunal.

25. The constituted authorities henceforth shall direct to the Committee of General Security the documents relative to persons accused of counter-revolutionary offences, which article 5 of the law of 18

Nivose ¹⁰ enjoins them to send to the public prosecutor at the Revolutionary Tribunal.

26. Members and associates of the executive commissions, generals in chief and division and brigade generals may be arraigned before the

Revolutionary Tribunal only by a decree of the National Convention, or by an order of the united Committees of Public Safety and General Security.

TITLE V

PROCEDURE BEFORE THE REVOLUTIONARY TRIBUNAL

27. As soon as an action is brought before the Revolutionary Tribunal, the president, in the presence of the public prosecutor or of one of his deputies, and a commissioner from the section to

which it has been assigned, shall have eleven jurors selected by lot to pronounce on the facts with which the accused is charged.

28. In every action brought before the Revolutionary Tribunal, and at least twenty-four hours before pleadings are begun, one of the police magistrates, commissioned for such purpose by the president of the section to which the case has been assigned, shall have the defendant brought before him, shall inform him of the indictment, shall have a copy thereof delivered to him, shall question him on the facts stated therein, shall receive his replies, shall advise him that the law permits him to choose a counsel provided with a certificate of patriotism, and shall have the clerk make a memorandum of the entire proceeding.

29. At the time of the examination, the list of jurors who are to pronounce on the facts with which the accused is charged shall be communicated to him, and he shall be called upon to declare immediately whether he intends to challenge one or more of them.

30. An accused who wishes to challenge one or more jurors shall be required, at the time of his examination, to state his reasons for challenge, and the Tribunal shall determine the validity thereof within twenty-four hours; within the same time it shall rule on the challenges made by the public prosecutor.

No unmotivated challenge shall be accepted from either the accused or the public prosecutor.

Decree of 7 January, 1794, modifying that of 11 August, 1792, relative to the police of general security [Duvergier, v. 6, p. 386].

31. The counsel chosen by the accused may communicate with him only after his examination, and by virtue of a *permit* from the public prosecutor.

[Articles 32 and 33 provide for giving testimony in writing.]

34. As many indictments shall be drafted as there are offences to be tried.

Several offences charged to the same person may, however, be included in one indictment.

35. In all cases, accomplices of the accused shall be included in the same indictment as he, whether implicated in all the offences attributed to him or in only one.

36. When one and the same person is accused of both counterrevolutionary and ordinary offences, the indictment shall include only the first; and if he is acquitted by the Revolutionary Tribunal, or sentenced to a fine less than the one to be imposed for the ordinary offences, he shall be sent before the criminal or correctional police court to which cognizance of the others appertains.

37. Acts for which a decree of the representatives of the people has exculpated him, or has declared that there is no occasion for his inculpation, may not be included or stated in the indictment drafted against an accused arraigned before the Revolutionary Tribunal or ordinary courts.

38. If the person imprisoned for or accused of a counter-revolutionary crime absconds from the examination of justice, he shall be dealt with in conformity with the law of 3 Thermidor on contempt of court.¹¹

TITLE vi

EXAMINATION AND CONVICTION

39. On the day set for the examination of the case, the accused, in the presence of the judges, the public prosecutor, the jurors, and the citizens, shall be brought to the bar free and unfettered.

40. The president shall have each of the eleven jurors take oath to examine, with the most scrupulous attention, the charges preferred against the accused; not to communicate with anyone until after their declaration, or to give ear to hatred, spite, fear, or affection; to reach a decision on the basis of the charges and the grounds of defence,

¹¹ i.e., 4 Thermidor, Year II (22 July, 1794) [Duvergier, v. 7, pp. 233-234]. according to their conscience and inmost conviction, with the impartiality and firmness which characterize republicans.

41. When the oath has been taken, the jurors shall take their places together on seats separated from the public and the Tribunal; they shall be placed facing the accused and the witnesses.

42. The president shall tell the accused that he may be seated, shall ask his name, age, place of birth, residence, status and occupation both before

and since the Revolution, and shall have the clerk keep a record of everything that is said.

43. The president shall advise the accused to be attentive to all that he is about to hear; he shall order the clerk to read the indictment; after which he shall say to the accused, *That is what you are accused of; you are about to hear the charges which will be brought against you.*

44. The public prosecutor shall expound the subject of the indictment; he shall request the reading of the law on the crime of false witness; and, after such reading, he shall have the witnesses heard.

45. A husband may not be heard in testimony against his wife, or a wife against her husband, progenitors against their descendants, and, reciprocally, brothers and sisters against their brothers and sisters, or relatives by marriage in the same degree.

46. The witnesses, before making their depositions, shall take oath to speak without hatred or fear, and to tell the truth.

47. Apart from the cases determined by the laws of 18 Prairial and 2 Messidor,¹² the examination of witnesses shall always be made aloud, and without their depositions being written.

48. Witnesses may never question one another. They shall be heard separately.

After their first declaration, however, the public prosecutor may ask that they be heard again, in the

presence of one other; he may likewise ask that those who have made their depositions retire from the audience, or that one or more of them be introduced in order to be heard ³

again, separately or in the presence of the others.

The accused shall have the same privilege.

49. Each witness shall be required to declare whether he is a relative, by birth or by marriage, or in the service of the accused, whether he knew him before the deed which has given rise to the accusation, and whether he intends to speak in the presence of the accused.

50. At each deposition of a witness, the president shall ask the accused whether he wishes to reply to what has just been said against him; the accused, as well as his counsel, may say what he considers useful for his defence, against the witnesses as well as against their testimony.

51. Witnesses summoned at the request of the accused shall be heard alternately with those produced by the public prosecutor.

52. The accused and his counsel shall be required to express themselves with decency and moderation.

The provision of the law of 15 Germinal relative to deletion from the pleadings is repealed.⁴

53. Proofs found at the time of the offence or since, which may lead to conviction, shall be presented to the accused, and he shall be asked to state whether he recognizes them.

54. When a pleading has lasted more than three days, the president is required, at the opening of the following session, to ask the jurors whether their consciences are sufficiently enlightened.

55. If the jurors reply *no*, the inquiry shall be continued until they have made a declaration to the contrary.

56. If the jurors reply that they are sufficiently informed, the procedure prescribed by the following articles shall be observed immediately, notwithstanding demands to the contrary.

57. Following the depositions⁵ and pleadings, the public prosecutor shall be heard; the accused or his counsel may reply to him.

58. The president shall resume the case, and shall call the attention of the jurors to the principal evidence for and against the accused; he shall finish by recalling to them, with simplicity, the duties which they have to perform, and shall ask distinctly, after obtaining the opinion of the Tribunal, the questions which they have to decide, both on the facts and on the intent.

All questions shall be worded simply; no complex ones may be asked.

The accused, his counsel, the public prosecutor, and the jurors may make observations on the manner in which the questions have been asked.

59. The president shall put the questions in writing according to their order, and shall give them to the foreman of the jury, who shall always be the eldest.

60. The president shall order the jurors to retire to an adjacent room; they shall remain there without being able to communicate with anyone.

61. When the jurors are ready to make their declaration, they shall return to the courtroom and shall make individual declarations, aloud and publicly, on the questions remitted to them by the president.

62. Each juror shall pronounce his declaration in the following form: *On my honor and my conscience, such a fact is established, or is not established; the accused is convicted of such a deed, or the accused is not convicted; he is convicted or he is not convicted of having committed it with such intent.*

63. Each question shall be decided by absolute majority of votes.

64. The declaration of the jury shall be received by the clerk, and shall be signed by him and all the judges.

65. The jury may not make a declaration on an offence not included in the indictment, whatever be the deposition of the witnesses.

66. If the accused is found not guilty of the charge stated in the indictment, and if he has been inculpated in another crime by the depositions of the witnesses, the Tribunal, of its own accord or on the demand of the public prosecutor, shall order that he be arrested again; it shall receive the explanations which the accused gives of said new charge; and, if there is occasion, it shall issue a warrant of arrest, and shall refer the accused, as well as the

witnesses, to the chamber of counsel to decide whether there is occasion for a new indictment in case it is a matter of counter-revolutionary offence, and to the foreman of the jury of the place of the offence if it is only a question of an ordinary offence.

TITLE VII

SENTENCE

67. If the accused is found not guilty, the president shall announce that he is acquitted of the charge, and shall order that he be set free immediately, unless there is occasion for holding him under arrest, either according to articles 36 and 66 hereinabove, or according to article 10 of the law of 17 September, 1793.¹⁵

68. The same condition shall prevail if the jurors have declared that the deed was committed involuntarily or without evil intent.

69. Any person thus acquitted may never again be arrested for or indicted on the same charge.

¹⁵ The Law of Suspects [document 99, *supra*].

70. Any public functionary acquitted purely and simply shall return in full right to the duties to which he had been summoned before being indicted.

71. When the accused has been found guilty, the president, in the presence of the citizens, shall have him appear, and shall advise him of the decision of the jury.

72. The public prosecutor shall make his request for application of the law; the accused or his counsel may make observations; the judges shall then pronounce the penalty established by law, or shall acquit the defendant in the event that the deed of which he is convicted is not forbidden by law.

Article 3 of Title II of the law of 10 March, 1793, is repealed.¹⁶

73. Every condemnation to the penalty of death shall entail confiscation of the property of the condemned person.

74. Every decision of the Revolutionary Tribunal shall state the name of the condemned person, his age, place of birth, residence, and status and occupation, both before and since the Revolution.

75. Judgments of the Revolutionary Tribunal shall be executed without recourse to the Court of Cassation.

76. All provisions of previous laws which might be contrary to the present law are abrogated.

118. Decree on the Exercise of Worship

29 September, 1795 (7 Vendemiaire, Year IV)

SOURCE: Duvergier, v. 8, pp. 293-296. See also:

***Moniteur*, 1 and 2 October, 1795 (9 and 10 Vendemiaire, Year IV), Rep., v. 26, pp. 72, 78-**

80. REFERENCES: Documents 29-32, 107, 115, *supra*.

The system outlined in this document continued as the legal basis of the relations of Church and State

**in France until the Napoleonic settlement of 1801—
1802, and played an important part in determining
the foundations of the settlement of 1905-1907.**

*** * ***

**The National Convention, having heard the report of
its Committee on Legislation;**

**Considering that, by the terms of the Constitution,
no one may be prevented from carrying on his
chosen religion in conformity with the law,.that no
one may be forced to contribute to the expenses of
any religion, and that the Republic does not pay for
any;**

**¹⁸ Decree providing for the Revolutionary Tribunal
[document 83, *supra*].**

**Considering that, since these fundamental bases of
the free exercise of worship are thus laid down, it is
important, on the one hand, to reduce to laws the
necessary consequences which derive
therefrom, and, for such purpose, to unite them into
a single body, and to modify or complete those which
have been rendered; and, on the other hand, to add
thereto whatever penal provisions may assure the
execution thereof;**

**Considering that the laws to which it is necessary to
conform in the performance of worship do not deal
with what appertains to the domain of thought
alone, or with the relations of man to the objects
of his worship, and that they have and may have for
their aim only a surveillance restricted to measures
of police and public security;**

That thus they ought to guarantee the free exercise of worship by the punishment of those who disturb ceremonies or insult ministers at their duties;

To require of ministers of all religions a purely civic guarantee against the abuse they might make of their ministry to excite disobedience to the laws of the State;

To anticipate, prevent, or punish whatever might tend to render a religion exclusive or dominant and persecuting, such as acts of communes in collective name, endowments, forced contributions, acts of violence relative to the expenses of worship, exposure of special symbols in certain places, the performance of ceremonies and the use of costumes outside the premises destined for same, and undertakings of ministers relative to the civil status of citizens;

To repress offences which might be committed as an accompaniment of or by the abuse of the exercise of worship;

And, finally, to regulate the competence and form of procedure in such cases;

Decrees as follows:

TITLE I

SURVEILLANCE OF THE EXERCISE OF WORSHIP

Preliminary and General Provisions

1. Every gathering of citizens for the performance of any worship whatsoever shall be subject to the

surveillance of the constituted authorities. r

Such surveillance shall be restricted to measures of police and public security.

TITLE II

GUARANTEE OF THE FREE EXERCISE

OF ALL WORSHIP

2. Those who insult the objects of any worship whatsoever in the places designated for the exercise thereof, or its ministers in their duties, or who interrupt, by public disturbances, religious ceremonies of any other worship whatsoever shall be condemned to a fine of not more than 500 or not less than 50 *livres* per person, and to»imprisonment for not more than two years or less than one month; without prejudice to penalties provided by the Penal Code if the nature of the act gives occasion therefor.

3. All judges and administrators are forbidden, under the penalties provided in the preceding article, to interpose their authority, and all individuals are forbidden to use violence, insults, or threats to restrain one or more individuals from celebrating certain religious festivals or from observing any day of rest, or to hinder said individuals in the celebration or observation thereof, either by forcing them to open or close their workshops, shops, or warehouses, or by interfering with agricultural labor, or in any other manner whatsoever.

4. The provisions of the preceding article do not derogate from laws which establish days of rest for

public functionaries, or from the action of the police in maintaining order and decency in civic festivals.

TITLE III

CIVIC GUARANTEE REQUIRED OF ALL MINISTERS OF RELIGION

5. No one may perform the ministry of any religion in any place whatsoever, unless he previously makes, before the municipal administration or the municipal deputy of the place where he wishes to perform it, a declaration, the model of which appears in the following article. Declarations already made shall not exempt [anyone] from that ordered by the present article. . . .

6. The formula of the declaration required above is as follows:

“The ___ before us has appeared N.

***(the name and given names only)* resident of ___ who has made the following declaration:**

“I recognize that the universality of the French citizens is the sover-

eign, and I promise submission and obedience to the laws of the Republic.”

“We have given him an instrument of such declaration and he has signed with us.”

Declarations containing anything more or less shall be null and void; whoever receives them shall be

punished with a fine of 500 *livres*, and with imprisonment for not more than one year or less than three months.

7. Every individual who, a *decade* after the publication of the present decree, performs the ministry of a religion without having complied with the two preceding articles, shall be subject to the penalty provided in article 6; and in case of a second offence, he shall be condemned to ten years' confinement [*gene*].

8. Every minister of religion who, after having made the declaration, the model of which is given in article 6, retracts or modifies it, or who makes contrary protests or reservations, shall be banished from the territory of the Republic for life.

If he returns thereto, he shall be condemned to confinement [*de gene*], also for life.

TITLE IV

GUARANTEE AGAINST ANY RELIGION WHICH MIGHT ATTEMPT TO BECOME EXCLUSIVE OR DOMINANT

Section 1. Expenses of Worship

9. Communes or communal sections may neither acquire nor rent, in collective name, premises for the exercise of worship.

10. No perpetual or life endowment may be formed, or any tax established, to defray the expenses of any religion, or for the lodging of its ministers.

11. All acts, contracts, deliberations, decrees, judgments, or rosters, made, taken, or rendered in contravention of the two preceding articles shall be null and void. Public functionaries who sign them shall be condemned each to a fine of 500 *livres*, and to imprisonment for not less than one month or more than six months.

12. Whosoever attempt, by injuries or threats, to force one or more individuals to contribute to the expenses of a religion, or whosoever instigate such injuries or threats, shall be punished with a fine of not less than 50 or more than 500 *livres*.

If assaults or violence occur, the penalty shall be that provided by the Penal Code. If the assault committed is not anticipated thereby, the guilty party shall be punished with imprisonment for not more than two years or less than six months, and with a fine of not more than

500 or less than 50 *livres*.

Section 2. Places in Which Exhibition of Special Symbols

of a Religion Is Forbidden

13. No special symbol of a religion may be raised, affixed, or attached in any place whatsoever in such manner as to be exposed to the view of the citizens, except within the premises reserved for the worship of said same religion, or within the interior of private houses, workshops or warehouses of artists and merchants, or public edifices set apart for collections of works of art.

14. Such symbols shall be removed from every other place by the municipal authority ... or by the departmental commissioner from the Executive Directory . . .

15. Every individual who, subsequent to the publication of the present decree, has placed or re-established such symbols anywhere other than in the places permitted, or who has instigated the placing or re-establishment thereof, shall be condemned to a fine of not more than 500 or less than 50 *livres*, and to imprisonment for not more than six months or less than ten days.

***Section 3. Places Where Religious Ceremonies
Are Forbidden***

16. The ceremonies of all religions are forbidden outside the precincts of the edifice chosen for their worship.

Such prohibition does not apply to ceremonies within the precincts of private houses, provided that, besides the individuals domiciled therein, there is not, on the occasion of said ceremonies, a gathering of more than ten persons.

17. The premises chosen for the performance of worship shall be indicated and declared to the municipal deputy in communes of fewer than 5,000 inhabitants, and to the municipal administrations of the canton or *arrondissement* in others. ... All ministers of religion, and all individuals, are forbidden to use the said premises before having observed such formality.

18. Contravention of articles 16 and 17 shall be punished with a fine of not more than 500 or less than 100 *livres*, and with imprisonment for not more than two years or less than one month.

In case of a second offence, the minister of religion shall be condemned to ten years' confinement [*de*].

19. Anyone who appears in public wearing garments, ornaments, or costumes set apart for religious ceremonies or for a minister of religion shall be subect to the penalties provided in the preceding

Section 4. Documents of Civil Status

20. All judges, administrators, and public functionaries whosoever are forbidden to give any consideration to testimonials from ministers or alleged ministers of religion relative to the civil status of citizens; contraventions shall be punished as in article 18. Whosoever present such testimonials before the courts or the administrations shall be condemned to the same penalties.

21. Every public functionary who, responsible for drafting documents of the civil status of citizens, mentions in said documents religious ceremonies or requires proof that they have been observed, likewise shall be condemned to the penalties provided in article 18.

TITLE V

CERTAIN OFFENCES WHICH MIGHT BE COMMITTED BECAUSE OF OR BY THE ABUSE OF THE EXERCISE

OF WORSHIP

22. Every minister of religion who, outside the premises set apart for the ceremonies or worship of a religion, reads or has read in an assembly of individuals, or who posts or has posted, distributed or has distributed, a writing emanating from or announced as emanating from a minister of worship not resident in the French Republic, or even from a minister of worship resident in France who declares himself the delegate of another not resident there, shall be condemned to imprisonment for six months, irrespective of the tenor of said writing; and in case of a second offence, for two years.

23. Every minister of religion who commits any of the following offences, either in his discourses, exhortations, sermons, invocations, or prayers, in any language whatsoever, either by reading, publishing, posting, distributing, or having read, published, posted, and distributed, inside or outside the premises set apart for ceremonies, a writing of which he or any other is the author, shall be condemned to confinement [*degene*] for life;

To wit: if, by the said writing or discourse, he has incited the re-establishment of monarchy in France, or the overthrow of the Republic, or the dissolution of the national representation;

Or if he has incited murder, or prompted the defenders of the *Patrie* to desert their flags, or their fathers and mothers to recall them;

Or if he has reproached those who wished to take up arms for the maintenance of the republican Constitution and the defence of liberty;

Or if he has influenced individuals to cut down the trees consecrated to liberty, or to take down or debase its symbols or colors;

Or, finally, if he has exhorted or encouraged any persons whomsoever to treason or rebellion against the government.


24. If by writings, placards, or discourses a minister of religion seeks to mislead the citizens, by presenting to them as unjust or criminal the sales or acquisitions of national property formerly possessed by clergy or *emigres*, he shall be condemned to a fine of 1,000 *livres* and imprisonment for two years.

Moreover, he shall be forbidden to continue his duties as a minister of religion;

If he contravenes such prohibition, he shall be punished with ten years' confinement [*de gene*].

25. Ministers of one religion and their followers are expressly forbidden to disturb the ministers of another religion, or an alleged one, or their followers, in the common use of edifices, regulated in execution of article 4 of the law of 11 Prairial,¹⁷ under penalty of a fine of 500 *livres*, and imprisonment for not more than six or less than two months.

[Title VI deals with the judicial administration of the provisions of this act.] [6](#)



***Assignats* reached new lows—from 3 to 1 per cent of their face value. Yet, in vain hope, the government continued to issue them. In fact, so many were issued that a special manufactory had to be created to provide the paper upon which to print them. Acceptable at nominal worth for the payment of taxes, yet in private dealings banks discounted them on the basis of current market quotations. Depreciation was accompanied by inflation. Many bourgeoisie were ruined, many speculators made fortunes. And, as might be expected, when price controls were removed, prices rose rapidly. By the end of the period, it was becoming more and more apparent that the only solution was some species of national bankruptcy. It is noteworthy that in April, 1795, the *franc* replaced the *livre* as the basic monetary unit, and trade in gold and silver specie was resumed.¹⁹**

In taxation the regime of the *fondere* alone continued until January, 1795. By that time the needs of the moment necessitated a revival, at least in a modified form, of the apparently defunct *patentes* and *mobiliere*. And from time to time resort was had to special taxes of divers types (120). Here, as in finances, the problems were not solved.²⁰

The Maximum Law had never functioned satisfactorily, and as part of the Terror it was repudiated in December, 1794. But its disestablishment did not bring the expected results. The Winter of 1794 was a severe one, and shortages of both fuel and food occurred. The combination of inflation and free enterprise brought

only added complications, hardships, and disturbances. Again the government had to intervene in the interests of the general welfare and provide regulation of “free” enterprise.²¹

Despite crop failures, agriculture prospered during this period. Farmers took advantage of the depreciated money to pay off their debts, and the number of peasant proprietors showed a marked increase. In October, 1795, control of agriculture, which long had rested with the Commission on Agriculture and the Arts, was given over to the Department of the Interior, where it remained until the close of the Directory.²²

Commercially, the war regime of controls continued throughout the months of the Thermidorian Reaction. Civil and foreign war produced a loss of trade, and, consequently, it was only natural that much of the commercial legislation of the time should deal with such matters as tariffs and external trade. An outstanding domestic item in the legislation was a further consolidation of the work on weights and measures (119).²³

In industry the period was marked by conflicts between employers and employees, and an attempt on the part of the middle class to return to free enterprise, supported, however by a guarantee of government aid in times of crisis.²⁴

19 On finances see: Bloch, *Monnaie*, pp. 1-41 *passim*, 352-391 [pp. 31-40 give the financial agencies of the Revolution]. See also references to document 26, *supra*.

²⁰ On taxation see: Bloch, pp. 1-59 *passim*, 474-539 [pp. 50-57 give the taxation agencies of the Revolution].

²¹ Concerning the grain trade see: Caron, pp. 1-27 *passim*, 106-167, 184-190 Lpp.

13-15 give the agencies of the grain trade during the Revolution].

²² On agriculture see: Bourgin, pp. 241-260 *passim*, 346-383 [pp. 243-244 give the agricultural agencies of the Revolution]. . . .

²³ Concerning commerce see: Schmidt, pp. 1-29 *passim*, 214-269 [pp. 12-26 give the commercial agencies of the Revolution]. . . .

²⁴ On industry see: Schmidt, *Industrie*, pp. 1-21 *passim*, 83-103 [pp. 12-19 give the industrial agencies of the Revolution],

119. Decree relative to Weights and Measures

7 April, 1795 (18 Germinal, Year

SOURCE: Duvergier, v. 8, pp. 71-74. See also: C. and G., p. 466. REFERENCE: Document 106, *supra*.

The provisions here stated reflect a further step towards the completion of the metric system. The work was to be finished in 1799, as indicated by documents 162, 163, *infra*. Article 13 is of interest in suggesting mass production of the new measures.

* * *

1. The time prescribed by the decree of August, 1793, for the use of the new weights and measures⁷ is extended, with regard to the obligatory provision, until the National Convention has decreed again thereon, in proportion to the progress of their manufacture; citizens are invited, however, to give proof of their devotion to the unity and indivisibility of the Republic by making use of the new measures henceforth in their calculations and commercial transactions.

2. There is only one standard of weights and measures for the entire Republic; there shall be a platinum ruler on which will be marked the *meter*, which has been adopted as the fundamental unit of the whole system of measurement.

Said standard shall be executed with the greatest precision, according to the experience and observations of the commissioners responsible for the determination thereof, and it shall be deposited in the neighborhood of the Legislative Body, as well as the *proces-verbal* of the operations which have served in determining it, so that it may be verified at all times.

3. To each district seat there shall be sent a model conforming to the prototype standard just mentioned, and, moreover, a model of weight exactly deduced from the system of new measurements. Such models shall be used in the manufacture of all kinds of measures employed in the ordinary use of citizens.

4. Whereas the extreme precision which will be given to the platinum standard cannot affect the

exactness of the ordinary measures, such measures shall continue to be manufactured in accordance with the length of the meter adopted by previous decrees.

5. Henceforth the new measures shall be designated by the name of *republican* measures; their nomenclature is definitively adopted as follows. They shall be called:

Meter, the measure equal to one-ten millionth of the arc of the terrestrial meridian included between the north pole and the equator;

Are, the measure of area for land, equal to a square, ten meters to a side;

Stere, the measure intended particularly for firewood and equal to the cubic meter;

Liter, the measure of volume, both for liquids and for dry material, the capacity of which shall be the cube of one-tenth of a meter;

Gram, the absolute weight of a volume of pure water equal to the cube of one one-hundredth of a meter, at the temperature of melting ice.

Finally the monetary unit shall take the name of *franc*, to replace the *livre* hitherto in use.

6. One-tenth of a meter shall be called a *decimeter*; and one one-hundredth thereof, a *centimeter*.

A measure equal to ten meters shall be called a *decameter*, which furnishes a very convenient

measure for surveying.

Hectometer shall signify the length of 100 meters.

Finally, ***kilometer*** and ***myriameter*** shall be the lengths of 1,000 and

10,000 meters, and shall designate principally the distances of roads.

7. The names of the measures of other types shall be determined in accordance with the same principles as those of the preceding article.

Thus, a ***deciliter*** shall be a measure of volume one-tenth as large as the liter; a ***centigram*** shall be one one-hundredth the weight of a gram.

Decaliter shall likewise be used to designate a measure containing ten liters, ***hectoliter*** for a measure equal to 100 liters; a ***kilogram shall be a weight of 1,000 grams.***

The names of all other measures shall be composed in an analogous manner.

However, when tenths or hundredths of the franc, the monetary unit, are to be expressed, the words ***decime*** and ***centime***, already accepted by virtue of previous decrees, shall be used.

8. In weights and measures of volume, each of the decimal measures of these two types shall have its double and its half, in order to give every desirable facility to the sale of divers items; therefore, there shall be ***double liter*** and ***demiliter, double***

***hectogram* and *demihecto-gram*, and so on with the others.**

9. In order to render the replacement of former measures less burdensome and less costly, it shall be effected gradually and at different times. Such times shall be decreed by the National Convention, as soon as the republican measures have been manufactured in sufficient quantities and all provisions pertaining to the execution of such changes have been made. The new system shall first be introduced in the *assignats* and monies, then in the linear measures or those of length, and progressively extended to all others.

10. The work relating to the determination of units of measures of length and weight calculated from the size of the earth, which was begun by the Academy of Sciences and continued by the temporary commission on measures in consequence of the decrees of 8 May—22 August, 1790, and 1 August, 1793,²⁰ shall be continued, until its entire completion, by individual commissioners selected principally from the savants who have collaborated thereon up to the present, and the list of whom shall be decreed by the Committee on Public Instruction. By virtue of these provisions, the administration called the *Temporary Commission of Weights and Measures* is suppressed.

11. It shall be replaced by a temporary agency, composed of three members, which shall be responsible, under the authority of the Commission on Public Instruction, for everything pertaining to the renovation of weights and measures, apart from

the work entrusted to the individual commissioners mentioned in the preceding article.

The members of said agency shall be appointed by the National Convention on the advice of its Committee on Public Instruction. Their salary shall be regulated by said Committee in consultation with the Committee on Finance.

12. The principal duties of the temporary agency shall be:

1st, To investigate and employ the most appropriate means of facilitating the manufacture of the new weights and measures for the use of all citizens;

2nd, To provide for the construction and dispatch of the models which are to serve for verifying the measures in each district;

3rd, To have compiled and distributed instructions suitable for acquainting people with the new measures and their relation to former ones;

4th, To work on provisions which become necessary for regulating the use of the republican measures, and to submit them to the Committee on Public Instruction, which shall make a report thereon to the National Convention;

5th, To settle the statements of expenses on all operations required in the determination and establishment of the new measures, in order

²⁶ See Duvergier, v. 1, pp. 170-171, and document 106, *supra*. that such expenses may be paid by the Commission on Public Instruction;

6th, Finally, to correspond with the constituted authorities and citizens throughout the entire Republic concerning whatever is useful for hastening the renovation of Weights and measures.

13. The republican measures shall be manufactured, as far as is possible, by machines, in order to add facility and celerity to precision in the process, and consequently to make possible the purchase of the measures at a reasonable price for the citizens.

14. The temporary agency shall aid the search for the most suitable machines; it shall order some, if necessary, from the most skilled artisans, or offer them at competition, according to circumstances. It may also grant inducements, in the form of advances, material, or machines, to contractors who take suitable contracts for any important part of the manufacture of the new weights and measures. But, in all such cases, the agency shall be required to obtain the authorization of the Committee on Public Instruction.

15. The temporary agency shall determine the forms of the different kinds of measures, as well as the materials whereof they are to be made, so that their use may be as beneficial as possible.

16. Each of the said measures shall be stamped with its particular name; in addition, each shall be marked with the stamp of the Republic, which will guarantee the exactness thereof.

17. In each district there shall be inspectors for such purpose, responsible for affixing the stamp. The

determination of their number and their duties shall constitute a part of the rules which the agency shall prepare for submission to the National Convention by its Committee on Public Instruction.

18. The choice of measures suited to each type of merchandise shall be made in such fashion that, in ordinary cases, there will be no need for fractions smaller than hundredths.

The agency shall investigate the means of accomplishing this purpose, discarding the less feasible commercial usages.

19. Instead of the tables of relationship between the old and the new measures, which were ordered by the decree of 8 May-22 August, 1790,²⁷ graphic scales shall be made, in order that such relations may be estimated without the necessity of any calculation. The agency is responsible for giving them the most convenient form, indicating their method, and distributing them as far as is necessary.

20. In order to facilitate commercial relations between France and

²⁷ Decree concerning weights and measures [Duvergier, v. 1, pp. 170-171]. foreign countries, a table indicating the relationship between French measures and those of the principal commercial cities of other nations shall be composed under the direction of the agency.

21. In order to defray all expenses relative to the establishment of the new measures, as well as the advances which are indispensable for the success of

such work, there shall be granted provisionally a fund of 500,000 *livres*, which the National Treasury shall hold at the disposal of the Committee on Public Instruction for such purpose.

22. The provision of the law of 4 Frimaire, Year II requiring the use of the decimal division of the day and the parts thereof/⁸ is indefinitely suspended.

23. The articles of laws prior to the present decree and contrary thereto are abrogated.

24. Immediately after the publication of the present decree, all manufacture of former measures is forbidden in France, as well as any importation of said items from abroad, under penalty of confiscation, and of a fine of double the value of said items.

The Commission on Civil Administration, Police, and Courts, and that on National Revenues, are responsible for the execution of the present article.

25. As soon as the prototype standard of the measures of the Republic has been deposited with the Legislative Body by the commissioners responsible for the manufacture thereof, a monument shall be erected to preserve it and to insure it against injury from the weather.

The temporary agency shall occupy itself in advance with the plan of said monument, destined to consecrate, in the most indestructible manner, the creation of the Republic, the triumphs of the French people, and the state of progress in which enlightenment has come to their midst.

26. The Committee on Public Instruction is responsible for all matters of detail necessary for the execution of the present decree, and for the complete renovation of weights and measures throughout the entire Republic.

It shall propose successively to the Convention the legislative provisions which are to pertain thereto.

27. The temporary agency shall render an account of its activities to the Commission on Public Instruction and to the Committee of that name, with which it may correspond directly for expediting operations.

²⁸ 24 November, 1793 [document 110, *supra*].

28. All constituted authorities, as well as public functionaries, are enjoined to co-operate with all their power in the important work of renovation of weights and measures.

120. Decree Establishing a Personal Tax and Sumptuary Taxes

25 July, 1795 (7 Thermidor, Year 111)

SOURCE: Duvergier, v. 8, pp. 199-200. See also: Bloch, pp. 511-513.

The personal tax established by this decree was, in reality, a return to a species of capitation. The special “sumptuary” levy on the more prosperous members of the community was a device frequently utilized throughout the Revolution, and one that should be familiar to students of American colonial history. Both taxes suggest the desperation which

characterized the tax situation as the Revolution progressed.

*** * ***

1. All French citizens enjoying their rights or incomes, and all foreigners, shall pay a personal tax of five *livres* per year as hereinafter stated.

2. Laborers who subsist only by their work, and whose daily wages do not exceed thirty *sous*, are exempt from said tax; nevertheless, they shall be permitted to pay it voluntarily.

5. Taxpayers include those who enjoy an income in excess of 365 days of labor, evaluated as in the preceding article.

4. Men and women over thirty years of age, and unmarried, shall be required to pay one-fourth over and above all their personal and sumptuary taxes. Widowers and widows who have children, or who are widowed only after the age of forty-five, are exempted from such payment.

5. Apart from said personal tax, sumptuary taxes shall be paid as follows: chimneys, other than those of the kitchen and the bakehouse, shall be taxed, 1st, in cities of 50,000 or more inhabitants, five *livres* for the first, ten *livres* for the second, and fifteen *livres* for each additional one; 2nd, in cities of fewer than 50,000 but more than 15,000 inhabitants, the tax shall be one-half the above; 3rd, in communes of fewer than 15,000, one-fourth. Computation of chimneys for taxation shall be made by each household.

6. No chimney may be exempt, even though not ordinarily used, unless it is closed on the inside and sealed with masonry.

7. Stoves shall be taxed at one-half the above rates, in the same proportion relative to population.

8. Said taxes shall be paid by the tenants or by owners occupying the houses themselves. The owners or principal tenants shall be responsible for said tax.

9. Likewise a tax shall be paid in proportion to the number of male domestic servants attached solely to personal and household service, other than those ordinarily and principally occupied with the work of agriculture and attendance upon and care of stock: to wit, ten *livres* for the first, thirty *livres* for the second, ninety *livres* for the third, and so on in triple proportion.

Domestic servants over sixty years of age, or those incapable of working because of their infirmities, shall not occasion the above taxation.

10. For superfluous horses and mules not ordinarily used for commerce, manufacturing, mills, plowing, carting, posts, stagecoaches, transport, or haulage, without distinction of saddle or draught horses, twenty *livres* shall be paid for the first, forty *livres* for the second, eighty *livres* for the third, and so on in double proportion.

Stallions, brood mares, colts under three years of age, and the horses of licensed horse dealers are exempt from the above tax.

11. For carriages on springs, state coaches, and cabriolets, by pair of wheels, twenty *livres* shall be paid for the first carriage, forty *livres* per pair of wheels for the second, one hundred and twenty *livres* also per pair of wheels for the third, increasing in the same proportion, according to the number of carriages, whether or not the owner has horses, or whether he has them for only one carriage. Litters drawn by horses or mules shall pay as two-wheeled carriages; two-wheeled carriages shall be counted first for taxation.

12. Renters of horses, four-wheeled carriages, and cabs, contractors for stagecoaches or private carriages, other than those who have dealt with the government, shall pay only five *livres* for each horse, and ten *livres* per carriage wheel, without progression for a number thereof.

Saddler-coachmakers are not included in the tax on carriages and equipages.

13. The above taxations shall be regulated according to the declaration of the taxpayer, who shall be required to furnish it within one week; in default of which, he shall not be permitted to plead errors which have arisen until after having paid, provisionally, the amount of his assessment.

14. In case of presentation of a false declaration, the taxpayer shall be subject to a fine of four times his tax.

15. The above taxes shall be paid in two installments; the first shall fall due ten days after

the publication of the list, the second, one month thereafter. ’

16. Owners or tenants of houses shall be permitted to pay the chimney tax in advance for as many years as they see fit. They shall be given a receipt therefor by the National Treasury or by the district collector; during the time for which they have paid the said tax, nothing may be expected of them on the chimneys which they have cleared. The same privilege shall be granted citizens who wish to pay in advance the tax on domestic servants, horses, and carriages.

17. Foreigners shall not be subject to the several taxes included in the present law until after one year of residence.

Ambassadors, envoys, and *charges d'affaires* of friendly or allied nations are exempt from all the above taxes, whatever the duration of their sojourn.

III. JACOBIN INSURRECTIONS AND THE

RESURGENCE OF ROYALISM; THE END OF THE FIRST COALITION

In March of 1795 the trial of Barere and several other former members of the Committee of Public Safety began and was accompanied by increasing violence. On 1 April (12 Germinal, Year III), a mob invaded the Convention Hall, clamoring for food, the Constitution of 1793, and the liberation of the “patriots.” The agitators were dispersed, without violence, and the occasion only afforded the Thermidorians an additional pretext for rushing the trial to completion. Continued economic distress,

restoration of property to the relatives of victims of the Revolutionary Tribunal, and indications that the Constitution of 1793 was not to be retained resulted in another uprising in the following month. On 20 May (1 Prairial) a mob stormed the Convention, but again its efforts came to naught; and this time it was dispersed by troops.

These insurrections of Germinal and Prairial had significant results. Vigorous action was taken against Montagnards in Paris, and in the provinces a "White Terror" (which had already begun) spread rapidly. Many of the leaders of this movement were royalists, whose activities were stimulated by the death of the Dauphin in June and the assumption of position of Pretender by the Count of Provence. Their hopes were dashed, however, when a British-supported expedition failed at Quiberon Bay, and when peace negotiations struck the first blow in breaking up the European coalition against France.

During the Spring and Summer of 1794, the French armies, under Carnot, had enjoyed increasing success. By July, Tuscany and Spain had been eliminated from the Coalition, and the enemy had been driven from the Low Countries. The Autumn brought further advances in the Rhine region. In January, 1795, Pichegru led an army into Amsterdam, and in a spectacular foray French cavalry captured the Dutch fleet which was frozen in the Texel River at Zeeland. The Stadholder fled to England, and plans were made for the establishment of a Republic of the United Provinces. Threatened from both the Low Countries and the Rhine, Prussia sued for peace late in 1794. Negotiations opened in January, 1795, and took final form in April in the Treaty of Basle

(121). Now the Dutch had no choice but to agree to French demands, which were formalized in the Treaty of The Hague in May (122).²⁹

Of the remaining members of the Coalition, Russia was more concerned with Poland than with France, so that Austria and England were left virtually alone —and now on the defensive. When next the Thermidorians encountered serious military problems it was to be in their new posts under the new Constitution, which reached completion in August and is known as the Constitution of the Year III.

121. The Treaty of Basle

5 April, 1795 (16 Germinal, Year 111)

SOURCE: Clercq, v. 1, pp. 232-236. See also: Duvergier, v. 8, pp. 77-78 [under date of 14 April, when treaty was ratified]; Martens, v. 6, pp. 45-48.

A principal feature of this treaty is its apparent provision for Prussian defence of Imperial territory, when actually, in the secret articles, it was establishing just the opposite situation. For ten years North Germany was to be spared further war. For the moment, France enjoyed peace with at least one of her antagonists, obtained legitimate recognition of her conquests, moved nearer to the realization of her traditional desire to control the left bank of the Rhine, and had the satisfaction of having disrupted the Coalition.

*** * ***

The French Republic and His Majesty the King of Prussia, equally animated by a desire to terminate, by a firm peace between the two nations, the war which divides them, have appointed as their Plenipotentiaries to wit:

The French Republic, Citizen *Frang Barthelemy*, its Ambassador in Switzerland;

²⁹ In, connection with these treaties, it should be noted that in March, 1795, full control of diplomatic affairs was again restored to the Committee of Public Safety.

And the King of Prussia, his Minister of State, of War, and of the Cabinet, *Charles August, Baron von Hardenburg*, Knight of the Order of the Red Eagle, of the White Eagle, and of Saint Stanislas;

Who, after having exchanged their plenary powers, have agreed upon the following articles:

1. There shall be peace, amity, and good understanding between the French Republic and the King of Prussia, considered both as such and in his capacity as Elector of Brandenburg and an integral part of the Germanic Empire.

2. Accordingly, all hostilities between the two Contracting Powers shall cease, dating from the ratification of the present treaty; and, dating from the same time, neither of them may furnish against the other, in any capacity or on any grounds whatsoever, any aid or contingent in men, horses, provisions, money, munitions of war, or otherwise.

3. Neither of the Contracting Powers may grant passage over its territory to troops of enemies of the other.

4. The troops of the French Republic shall evacuate, within the fortnight following the ratification of the present treaty, those parts of the Prussian States which they occupy on the right bank of the Rhine. Taxes, deliveries [of goods], supplies, and payments of war shall cease entirely, dating from a fortnight after the signature of the present treaty. All arrears due at such time, as well as notes and promises given or made in such connection, shall be null and void. Whatever is taken or collected after the aforementioned time shall be given gratuitously at first, or paid for in ready cash.

5. The troops of the French Republic shall continue to occupy the part of the States of the King of Prussia situated on the left bank of the Rhine. Every definitive arrangement with regard to said provinces shall be postponed until the general pacification between France and the Germanic Empire.

6. Until such time as a treaty of commerce has been negotiated between the two Contracting Powers, all commercial communications and relations between France and the Prussian States shall be reestablished on the prewar basis.

7. Since the provisions of article 6 cannot have full effect until liberty of commerce is re-established for North Germany, the two Contracting Powers shall take measures to withdraw the seat of war therefrom.

8. Individuals of the two nations shall be granted respectively replevin of effects, revenues, or property of whatever nature, withheld, seized, or confiscated because of the war between France and Prussia, as well as prompt justice with regard to any credits whatsoever which such individuals might have in the States of the two Contracting Powers.

9. All prisoners taken respectively since the beginning of the war, without regard to difference of number or rank, . . . shall be restored within two months, at the latest, after the exchange of ratifications of the present treaty . . . The same shall apply to all sick and wounded, after their recovery. . .

11. The French Republic will welcome the good offices of His Majesty the King of Prussia on behalf of the Princes and States of the Germanic Empire who desire to enter directly into negotiations therewith, and who, for such purpose, have already requested, or may yet request, the intervention of the King. The French Republic, in order to give the King of Prussia an initial proof of its desire to co-operate in the re-establishment of the former bonds of amity between the two nations, agrees not to treat as enemy countries, during the space of three months after the ratification of the present treaty, those Princes and States of the said Empire situated on the right bank of the Rhine, and on whose behalf the King intercedes.

12. The present treaty shall be effective only after ratification by the Contracting Parties; and ratifications shall be exchanged in this city of Basle,

within a month, or earlier if possible, dating from today.

In testimony whereof, we the undersigned, Ministers Plenipotentiary of the French Republic and of His Majesty the King of Prussia, by virtue of our plenary powers have signed the present treaty of peace and amity, and have affixed our respective seals thereto.

Done at Basle, this sixteenth of the month of Germinal of the third year of the French Republic (5 April, 1795).

*** FRANCOIS BARTHELEMY**

CHARLES AUGUST, *Baron von Hardenburg*

Separate and Secret Articles

1. His Majesty the King of Prussia shall undertake no hostile enterprises against the United Provinces, or against other territory occupied by French troops.

2. If, at the general pacification between the Germanic Empire and France, the left bank of the Rhine remains with France, His Majesty the King of Prussia will come to terms with the French Republic regarding the method of cession of the Prussian States situated on the left bank of said river, in return for such territorial indemnification as is deemed suitable. In which case, the King shall accept the guarantee which the Republic offers him of such indemnification.

3. In order to remove the seat of war from the frontiers of the States of His Majesty the King of Prussia, to preserve the peace of North Germany,

and to re-establish entire liberty of commerce between that part of the Empire and France as of before the war, the French Republic agrees not to extend the operations of war, or to cause its troops to enter, either by land or by sea, the Countries and States situated beyond the following line of demarcation:

[The line was, roughly, as follows—from East Frisia to Munster, to the Duchy of Cleves (near Isselbourg), to Magenporst, to Duysbourg; thence along the frontier of the County of Marck, to Hambourg, to Altenkirchen, to Limbourg, to Epstein, to Rauenheim, to Dornheim, to the frontier of the Palatinate, to Darmstadt, to the Circle of Franconia, to Ebersbach, to Wimpfen, to Lowen-stein, to Hohenstadt, to Holtzkirch; and it ended with the frontier of Silesia.]

The French Republic shall regard as neutral countries and States all those situated behind said line, on condition that His Majesty the King of Prussia undertakes to have them observe strict neutrality, the first step in which would be to recall their contingents and not to contract any new engagement which might authorize them to furnish troops to powers at war with France. The King undertakes to guarantee that no troops hostile to France shall pass said line, or issue from the territories included therein, to fight French armies; and for such purpose the two Contracting Powers, after having consulted together, shall agree upon the essential points for sufficient reconnoissance corps to cause such neutrality to be respected.

• • • • •

**5. The French Republic, desirous of contributing, m
so far as it is able, to the liberation
[*affranchissement*] and welfare of Prussia . .**

**. agrees, in case France, in the future peace with the
Germanic Empire, extends its boundaries to the
Rhine and thus gains possession of the States of the
Duke of Deux-Ponts, to become responsible for
guaranteeing the sum of 1,500,000 *rixdalers* loaned
by the King to said Prince, after the titles of such
obligation have been produced and its legitimacy
acknowledged.**

**6. The provisions of article 2 of the present treaty
may not be extended to the States of the House of
Austria.**

**The present six separate and secret articles shall
have the same force as if they were inserted, word
for word, in the principal treaty concluded and
signed this day, and they shall be ratified likewise
by the Contracting Parties. In testimony whereof, we
the undersigned Ministers Plenipotentiary of the
French Republic and of His Majesty the King of
Prussia, by virtue of our plenary powers, have
signed these present separate and secret articles
and have affixed our respective seals thereto.**

**Done at Basle, this 16 Germinal, Year III (5 April,
1795).**

FRANCOIS BARTHELEMY

CHARLES AUGUST, *Baron von Hardenburg*

122. The Treaty of The Hague

16 May, 1795 (27 Floreal, Year 111)

SOURCE: Clercq, v. 1, pp. 236-241 [with additional "regulation," pp. 241-242]. See also: Duvergier, v. 8, pp. 122-124 [under date 27 May, when treaty was ratified]; Martens, v. 6, pp. 89-94 [supplement and ratification, pp. 95-99].

The Treaty of The Hague indicates the relation of revolutionary France with territory which she conquered but did not annex outright. Important features of the document are: the restoration of navigation on the Scheldt and other rivers; the provisions concerning indemnities; and the subjection of Holland to a government modeled on that of France and to a defensive and offensive alliance with her conqueror. The twentieth century parallel is striking!

*** * ***

The French Republic and the Republic of the United Provinces, equally animated by a desire to terminate the war which has divided them, to make amends for its evils by a just distribution of reciprocal compensations and benefits, and to unite themselves in perpetuity by an alliance founded upon the true interests of the two peoples, have appointed, to negotiate definitively on these important matters, subject to ratification by the National Convention and the Estates General, to wit:

The French Republic, citizens *Reubell* and *Sieyes*, Representatives of the People; and the Republic of the United Provinces, citizens *Paulus*, *Lestevenon*, *Mathias Pons*, and *Huber*, members of the Estates

For the original membership of the Convention, the Ministers, etc., see footnote 1 to Chapter Five, *supra*.

[2](#)

The Plain, as usual, represented the moderate majority and soon came to hold the balance of power. Among its members were the ubiquitous Sieyes and Boissy d'Anglas.

[3](#)

unable to appear [*ibid.*, pp. 198-199].

[4](#)

Decree of 4 April, 1794, relative to persons accused of conspiracy [Duvergier, v. 7, p. 132].

[5](#)

Duvergier cites this as *dispositions*.

[6](#)

ECONOMIC PROBLEMS OF THE THERMIDORIANS

In many respects the period of the Thermidorian Reaction represents the economic nadir of the French Revolution.¹⁸

¹⁸ **For economic trends in general see: Clough, S. B., *France, a History of National Economic History of Europe, 1760-1939* (London and New York, 1942).**

General; who, after having exchanged their plenary powers, have agreed upon the following articles:

1. The French Republic recognizes the Republic of the United Provinces as a free and independent Power, and guarantees its liberty, its independence, and the abolition of the Stadtholderate decreed by the Estates General and by each province individually.

2. There shall be peace, amity, and good understanding in perpetuity between the French Republic and that of the United Provinces.

3. Until the end of the war, there shall be an offensive and defensive alliance between the two republics against all their enemies without distinction.

4. Said offensive and defensive alliance shall always apply against

England, in all cases in which either of the two Republics is at war with her.

5. Neither of the two Republics may make peace with England, or negotiate with her, without the concurrence and consent of the other.

6. The French Republic may not make peace with any of the other allied Powers without including therein the Republic of the United Provinces.

7. The Republic of the United Provinces shall furnish, as its contingent during the present campaign, twelve ships of the line and eighteen

frigates, to be employed principally in the German, North, and Baltic Seas. Said forces shall be augmented for the next campaign, if one occurs. Also, if requested so to do, the Republic of the United Provinces shall furnish at least one-half of the land forces it has on duty.

8. The land and sea forces of the United Provinces which are expressly intended to act with those of the French Republic shall be under the command of French generals.

9. The combined military operations shall be agreed upon by the two Governments; . . .

10. The Republic of the United Provinces shall return henceforth into possession of its navy, land and sea arsenals, and that portion of its artillery of which the French Republic has not disposed.

11. The French Republic restores, likewise and forthwith, to the Republic of the United Provinces, all territories, countries, and cities constituting part of or dependent upon the United Provinces, save for the reservations and exceptions stated in the following articles.

12. As a just indemnity for the cities and conquered territories restored by the preceding article, the following are reserved by the

French Republic:

1st, Dutch Flanders . . . :

2nd, Maestricht, Venloo, and their dependencies, as well as the other enclaves and possessions of the

United Provinces situated to the south of Venloo on either side of the Meuse.

13. There shall be an exclusively French garrison in the city and port of Flessingue, during both peace and war, until otherwise stipulated by the two nations.

14. The port of Flessingue shall be common to both nations, in full freedom; . . .

16. At the general pacification the French Republic shall cede to the Republic of the United Provinces, from the conquered territories remaining to France, portions of territory equal in area to those re- served by article 12; which portions shall be chosen in the site most suitable for the better demarcation of common boundaries.

17. The French Republic shall continue military occupation, by a number of troops determined and agreed upon by the two nations during the present war only, of the places and positions which it is useful to protect for the defence-of the country.

18. The navigation of the Rhine, the Meuse, the Scheldt, . . . and all their branches as far as the sea shall be free to both the French and the Batavian nations; ...

19. The French Republic transfers to the Republic of the United Provinces all the real property of the House of Orange, likewise those chattels and personal effects of which the French Republic has not seen fit to dispose.

20. The Republic of the United Provinces shall pay the French Republic, by way of indemnity and compensation for the expenses of the war, 100,000,000 *florins* current money of Holland, either in coin or in good letters of exchange on foreign countries, in conformity with the method of payment agreed upon between the two Republics.

21. The French Republic will employ its good offices with Powers with which it has occasion to negotiate, in order to have paid to the inhabitants of the Batavian Republic the sums which may be due them for direct negotiations made with such Governments before the present war.

22. The Republic of the United Provinces pledges itself not to give asylum to French *emigres*-, likewise the French Republic will not give asylum to Orangeist *emigres*.

23. The present treaty shall be effective only after having been ratified by the Contracting Parties; and the ratifications shall be exchanged at Paris within two *decades*, or sooner if possible, dating from today. In testimony whereof, we the undersigned . . . , by virtue of our respective plenary powers, have signed the present treaty of peace, amity, and alliance, and have affixed, our respective seals thereto.

Done at The Hague, 27th Floreal, Third Year of the French Republic (16 May, 1795).

REUBELL SIEYES P. PAULUS, J. A. LESTEVENON,

B. MATHIAS PONS HUBER

Separate and Secret Articles

1. The Republic of the United Provinces offers the French Republic, as an unconditional loan for the entire duration of the war, three vessels of the line and four frigates, to serve . . . only in the German, North, or Baltic Seas. ... At the close of the present war they shall be restored to the Republic of the United Provinces. . . .

2. The territories designated in article 12 of the open treaty are reserved [by France] only in order to be united to the French Republic and not to other Powers.

3. One month after the exchange .of ratifications of the present treaty, the French army in the United Provinces shall be reduced, in execution of article 17 of the open treaty, to 25,000 men, who shall be paid in cash, equipped, and clothed ... by the Republic of the United Provinces on a war footing, in conformity with, the regulation to be agreed upon by the two governments. After the peace, such army shall be left, in whole or in part, to the Republic of the United Provinces as long as it wishes it, and it shall be maintained upon the footing to be determined for such purpose.

[Article 4 provides for the payment of the indemnity stipulated in article 18 of the open treaty as follows:

Immediate payment..... 50,000,000

In Prairial next..... 10,000,000

In Messidor next..... 10,000,000

In Fructidor next..... 10,000,000

In Pluviose, Year IV..... 5,000,000

In Floreal, Year IV..... 15,000,000

Total..... 100,000,000]

5. The requisitions made directly on the Estates General by the Representatives of the People before the signature of the present treaty shall be fulfilled in their entirety without delay. The repayment of such outlay taken in its totality is reduced and fixed at the sum of

10,000,000 *florins*, which may be deducted only from the payments of Floreal, Year IV of the Republic, the final term agreed upon by the preceding article.

6. The two Contracting Republics mutually guarantee the possessions which they held before the present war in the two Indies and on the coasts of Africa. The ports of the Cape of Good Hope, Colombo, and Trincomali shall be open to French vessels as well as to vessels of the United Provinces, and upon the same conditions.

7. The French Republic reserves on the property of French *emigres* in the United Provinces, and in territories dependent thereupon, all the rights it possessed thereon at the entry of the French army.

The present seven secret articles constitute an integral part of the treaty agreed upon this day by the two Republics. They shall have the same force, and shall also be executed promptly by the two

nations, as if they were formally included in the open treaty.

Done at The Hague, this 27 Floreal, Third Year of the French

Republic (16 May, 1795).

REUBELL SIEYES P. PAULUS W. V. LESTEVENON

B. MATHIAS PONS HUBER

IV. THE CONSTITUTION OF THE YEAR III

The Constitution of the Year III was not the result of an original desire for a new constitution. In the beginning, the Thermidorians had contemplated merely a modification of the Constitution of 1793, and in the Spring of 1795 the Convention had appointed a commission to draft organic laws for that purpose. The personnel of the commission, however, was virtually sufficient in itself to preclude the return of the principles of '93. Most of its members were conservative bourgeois Centrists and Girondins, to whom democratic republicanism was as distasteful as Bourbon monarchy; and their attitude was strengthened by the insurrections of Germinal and Prairial.

On 23 June the commission reported in favor of an entirely new constitution to supplant the "constitution of anarchy," "dictated by tyranny and accepted by fear" in the days of 1793, and now deemed unworkable. Boissy d'Anglas, reporter for the commission, emphasized the desirability of government "by the best elements," i.e., the propertied classes. After some weeks of debate,

during which the overtures of the political oracle, Sieyes, were ignored, a final draft was completed. It was reported to the Convention on 22 August, and proclaimed the law of the land on 23 September. It provided France with a new form of government which came into effect on 26 October and lasted until the Autumn of 1799. Any understanding of the history of France during the years from 1795 to 1799 depends upon an understanding of this Constitution.

Before proceeding to the circumstances under which the new Constitution was inaugurated, attention will be diverted (as in several previous chapters) to one of the most significant features of the period of the Thermidorian Reaction, the cultural (and social) trends.

123. The Constitution of the Year III

22 August, 1795 (5 Fructidor, Year III)

SOURCE: D. and M., pp. 78-118 [by permission of R. Pichon and R. Durand-Auzias, Publishers, Paris]. See also: Duvergier, v. 8, pp. 223-242; *Moniteur*, 27 August, 1795 (10 Fructidor, Year III), Rep., v. 25, Supplement, pp. 565-576; B. and R., v. 36, pp. 485-517; Helie, pp. 436-446.

REFERENCE: Aulard, v. 3, ch. 7.

The Constitution of the Year III was the third and the longest of the revolutionary constitutions. It represents the results of experience rather than of political theorizing. The bourgeois republic which it created was designed to preclude the recurrence of the errors inherent in the Constitutions of 1791 and 1793; and any adequate appreciation of the

document depends upon a comprehension of these antecedent constitutions.³⁰

Among the significant innovations presented in this Constitution were a Declaration of Duties paralleling the Declaration of Rights, and the establishment of a bicameral legislature. Among the most impressive errors was the omission of provision for adequate legal settlement of disputes between Executive and Legislature, an error which left force as the only expedient on such occasions, and which would seem to justify Madelin's stricture that "Four coups d'etat were to be born of this Constitution. Can anyone maintain that it was a good one?" ³¹

DECLARATION OF THE RIGHTS AND DUTIES

OF MAN AND CITIZEN¹

The French people proclaim, in the presence of the Supreme Being, the following declaration of the rights and duties of man and citizen.

Rights

1. The rights of man in society are liberty, equality, security, and property. so See documents 48, 95, *supra*. See also the Constitution of the Terror, document

2. Liberty consists of being able to do whatever is not injurious to the rights of others.

3. Equality is a circumstance in which the law is the same for all, whether it protects or punishes.

Equality does not admit any distinction of birth, or any inheritance of powers.

4. Security is a consequence of the concurrence of all to assure the rights of each individual.

5. Property is the right to enjoy and dispose of one's property, one's income, and the product of one's labor and industry.

6. Law is the general will, expressed by the majority of citizens or their representatives.

7. Whatever is not prohibited by law may not be prevented.

No one may be constrained to do what it does not prescribe.

8. No one may be sued at law, indicted, arrested, or detained except in the cases determined by law, and according to the forms prescribed thereby.

9. Whoever incite, promote, sign, execute, or have executed any arbitrary acts are guilty and must be punished.

10. All severity unnecessary for securing the person of an accused shall be severely repressed by law.

11. No one may be sentenced until after having been heard or legally summoned.

12. The law shall enact only penalties that are strictly necessary and proportionate to the offence.

13. Every usage which aggravates the penalty determined by law is a crime.

14. No law, either civil or criminal, may have retroactive effect.

15. Every man may contract his time and his services; but he may not sell himself or be sold; his person is not an alienable property.

16. Every tax is established for the general good; it shall be assessed among the taxpayers in proportion to their means.

17. Sovereignty resides essentially in the totality of the citizens.

18. No individual, no partial gathering of citizens may assume sovereignty.

19. No one may exercise any authority or hold any public office without legal delegation.

20. Every citizen has an equal right to concur, directly or indirectly, in the formation of the law, in the nomination of the representatives of the people and the public functionaries.

101, *supra*.

¹⁰¹, *supra*.

³¹ Madelin, Louis, *The French Revolution*, tr. from the French (New York, 1928), p. 471. [By permission of G. P. Putnam's Sons.]

³² Cf. Declaration of Rights, 1789 [document 17, *supra*], and Declaration of Rights,

21. Public offices may not become the property of those who hold them.

22. The social guarantee cannot exist if the division of powers is not established, if their limits are not determined, and if the responsibility of public functionaries is not assured.

Duties

1. The declaration of rights contains the obligations of the legislators; the maintenance of society requires that those who constitute it likewise know and perform their duties.

2. All the duties of man and citizen derive from these two principles, graven by nature on every heart:

Do not to others what you would not wish them to do to you;

Do constantly to others the good that you would wish to receive from them.

3. The obligations of each individual towards society consist of defending it, serving it, living subject to the laws, and respecting those who are the agents thereof.

4. No one is a good citizen if he is not a good son, good father, good brother, good friend, good husband.

5. No one is a good man if he is not a frank and religious observer of the laws.

6. Whosoever openly violates the laws declares himself at war with society.

7. Whosoever, without openly violating the laws, evades them by craft or skill, harms the interests of all; he renders himself unworthy of their goodwill and esteem.

8. The cultivation of land, all production, every means of labor, and the entire social order are dependent upon the maintenance of

ain-

property.

9. Every citizen owes his services to the *Patrie*, and to the maintenance of liberty, equality, and property, whenever the law summons him to defend them.

CONSTITUTION³³

1. The French Republic is one and indivisible.

2. The totality of French citizens is the sovereign.

TITLE I

DIVISION OF TERRITORY³⁴

3. France is divided into . . . departments.

[Then follows a list of the departments, by this time eighty-nine in number. See document 22, *supra*.]

4. The boundaries of the departments may be altered or rectified by the Legislative Body; but, in such case, the area of a department may not exceed 100 square myriameters (400 average square leagues) ,³⁵

5. Each and every department is divided into cantons; each and every canton into communes.

The cantons shall preserve their present limits.

Nevertheless, their boundaries may be altered or rectified by the Legislative Body; but, in such case, they may not be more than one myriameter (two average leagues of 2,566 *toises* each) from the commune farthest from the chief town of the canton.

6. The French colonies are integral parts of the Republic, and shall be subject to the same constitutional law.

7. They are divided into departments, as follows:

The island of San Domingo, the division of which, into not fewer than four or more than six departments, shall be determined by the Legislative Body;

Guadeloupe, Maria Galante, Desirade, the Saintes, and the French part of Saint Martin;

Martinique;

French Guiana and Cayenne;

Saint Lucia and Tobago; lie de France, the Seychelles, Rodriguez, the settlements of Madagascar;

The lie de la Reunion;

The East Indies, Pondicherry, Chandemagore, Mahe, Karikal, and other settlements.

³⁴Cf. Constitution of 1793, arts. 2, 3 [document 95, *supra*]; Constitution of 1791, title II, art. 1 [document 48, *supra*].

³⁵An average linear league is 2,566 *toises*. [This appears as a note in the official text.]

TITLE II

POLITICAL STATUS OF CITIZENS³⁶

8. Every man fully twenty-one years of age, born and residing in France, who has had himself enrolled on the civic register of his canton, has lived thereafter for a year on the territory of the Republic, and pays a direct land tax or personal property tax, is a French citizen.

9. Frenchmen who have waged one or more campaigns for the establishment of the Republic are citizens, without any qualifications as to tax.

10. A foreigner becomes a French citizen when, after having attained the age of fully twenty-one years, and having declared his intention of settling in France, he has resided there for seven consecutive years, provided that he pays a direct tax, and, in addition, possesses landed property or an agricultural or commercial establishment there, or has married a French woman.

11. Only French citizens may vote in the primary assemblies and be summoned to the functions established by the Constitution.

12. Exercise of the rights of citizenship is lost:

1st, By naturalization in a foreign country;

2nd, By affiliation with any foreign corporation which implies distinctions of birth or requires religious vows;

3rd, By acceptance of offices or pensions offered by a foreign government;

4th, By condemnation to ignominious or corporal penalties, until rehabilitation.

13. Exercise of the rights of citizenship is suspended:

1st, By judicial interdiction on grounds of insanity, dementia, or imbecility;

2nd, By the status of insolvent debtor, or of immediate heir, holder by gratuitous title of all or part of the estate of a bankrupt;

3rd, By the status of wage-earning domestic attached to personal or household service;

4th, By status of indictment;

5th, By a judgment of contempt of court, so long as the judgment is not annulled.

14. Exercise of the rights of citizenship shall be lost or suspended only in the cases enumerated in the two preceding articles.

15. Every citizen who has resided for seven consecutive years outside the territory of the Republic, without mission or authorization given in

the name of the nation, shall be deemed a foreigner; he may regain his French citizenship only after having fulfilled the requirements prescribed in article 10.

16. Young men may not be enrolled on the civic register unless they prove that they can read, write, and carry on a mechanical occupation.

The manual operations of agriculture are included among the mechanical occupations.

The present article shall be effective only dating from the Year XII of the Republic.

TITLE III

PRIMARY ASSEMBLIES³⁷

17. The primary assemblies shall be composed of citizens domiciled in the same canton.

The domicile requisite for voting in such assemblies is acquired only by residence for one year, and is lost only by a year's absence.

18. No one may serve by proxy in the primary assemblies, or vote on the same matter in more than one of said assemblies.

19. There shall be at least one primary assembly per canton.

When there are several of them, each one shall be composed of not fewer than 450 or more than 900 citizens.

Said numbers include the citizens, present or absent, who have the right to vote therein.

20. The primary assemblies shall constitute themselves provisionally under the presidency of the eldest; the youngest shall perform the duties of secretary provisionally.

21. They shall be definitively constituted by the election, by ballot, of a president, a secretary, and three tellers.

22. If difficulties arise concerning the qualifications required for voting, the assembly shall rule provisionally, reserving recourse to the departmental civil court.

23. In every other case the Legislative Body alone shall pass upon the validity of the activities of the primary assemblies.

24. No one may appear armed in the primary assemblies.

25. They shall have charge of their own policing.

26. The primary assemblies shall meet:

1st, To accept or reject amendments to the Constitutional Act proposed by the assemblies of revision;

2nd, To conduct the elections appertaining to them according to the Constitutional Act.

27. They shall assemble annually, without need of sanction, on 1 Germinal, and shall proceed, as there

is occasion, with the election:

1st, Of the members of the electoral assembly;

2nd, Of the justice of the peace and his assistants;

3rd, Of the president of the cantonal administration, or the municipal officials in communes of more than 5,000 inhabitants.

28. Immediately after such elections, communal assemblies shall be held in communes of fewer than 5,000 inhabitants, to elect the communal agents and their assistants.

29. Whatever is done in a primary or communal assembly, over and above the purpose of its convocation, and contrary to the forms determined by the Constitution, shall be invalid.

30. Assemblies, whether primary or communal, shall conduct only those elections assigned to them by the Constitutional Act.

31. All elections shall be conducted by secret ballot.

32. Every citizen legally convicted of having sold or purchased a vote shall be excluded from primary and communal assemblies, and from every public office for twenty years; in case of a second offence, he shall be excluded forever.

TITLE IV

ELECTORAL ASSEMBLIES³⁸

33. Every primary assembly shall choose one elector in proportion to every 200 citizens, present or absent, who have the right to vote in said assembly.

Only one elector shall be chosen for up to and including 300 citizens;

Two shall be chosen for from 301 to 500;

Three for from 501 to 700;

Four for from 701 to 900.

34. The members of electoral assemblies shall be elected annually, and may be re-elected only after an interval of two years.

35. No one may be chosen elector unless he is fully twenty-five years of age, and, in addition to the qualifications necessary for the exercise of the rights of French citizenship, fulfills one of the following requirements, to wit:

In communes of more than 6,000 inhabitants, that of being proprietor or usufructuary of a property evaluated at a revenue equal to the local value of 200 days' labor, or of being tenant of either a habitation evaluated at a revenue equal to the value of 150 days' labor or a rural property evaluated at 200 days' labor;

In communes of fewer than 6,000 inhabitants, that of being proprietor or usufructuary of a property evaluated at a revenue equal to the local value of 150 days' labor, or of being tenant of either a habitation evaluated at a revenue equal to the

value of 100 days' labor or a rural property evaluated at 100 days' labor;

And in rural districts, that of being proprietor or usufructuary of a property evaluated at a revenue equal to the local value of 150 days' labor, or of being the farmer or *metayer* of property evaluated at 200 days' labor.

With regard to those who are both proprietors or usufructuaries on the one hand, and tenants, farmers, or *metayers* on the other, their properties by such several titles shall be cumulated up to the rate necessary for establishing their eligibility.

36. The electoral assembly of every department shall meet annually on 20 Germinal, and shall complete, in a single session of ten days at most and without power to adjourn, all the elections which are to take place; after which, it is automatically dissolved.

37. The electoral assemblies may not deal with any matter apart from the elections for which they are responsible; they may not send or receive any address, petition, or deputation.

38. The electoral assemblies may not correspond among themselves.

39. No citizen who has been a member of an electoral assembly may take the title of elector, or meet in such capacity with those who have been members of said same assembly.

Infraction of the present article constitutes an attack on general security.

40. Articles 18, 20, 21, 23, 24, 25, 29, 30, 31, and 32 of the preceding title on primary assemblies shall apply to the electoral assemblies.

41. The electoral assemblies shall elect, as there is occasion:

1st, The members of the Legislative Body, to wit, the members of the Council of Elders, then the members of the Council of Five Hundred;

2nd, The members of the Court of Cassation;

3rd, The grand jurors;

4th, The departmental administrators;

5th, The president, public prosecutor, and clerk of the criminal court;

6th, The judges of the civil courts.

42. When a citizen is elected by the electoral assemblies to replace a deceased, resigned, or dismissed functionary, he shall be elected only for the remainder of the term of the person replaced.

43. The commissioner from the Executive Directory to the administration of every department is required, on penalty of dismissal, to inform the Directory of the opening and closing of the electoral assemblies. Said commissioners may neither impede nor suspend their activities, nor enter the place of their sessions; but they have the right to ask for communication of the minutes of every session within the ensuing twenty-four hours; and they are

required to inform the Directory of infractions of the Constitutional Act.

In all cases the Legislative Body alone shall pronounce upon the validity of the activities of the electoral assemblies.

TITLE V

LEGISLATIVE POWER³⁹

General Provisions

44. The Legislative Body shall be composed of a Council of Elders and a Council of Five Hundred.

45. Under no circumstances may the Legislative Body delegate to one or more of its members, or to anyone whomsoever, any of the functions assigned to it by the present Constitution.

46. It may not, by itself or through delegates, exercise the executive or the judicial power.

39 For arts. 44-127 cf. Constitution of 1793, arts. 39-55 [document 95, *supra*]⁴, Constitution of 1791, Title III, preamble, Ch. I, preamble and sec. 5, and Ch. III, secs.

1, 2 [document 48, *supra*].

47. The status of member of the Legislative Body is incompatible with the holding of any other public office, except that of Archivist of the Republic.

48. The law shall determine the method of replacement, permanent or temporary, of public

**functionaries who are elected members of the
Legislative Body.**

49. Each and every department shall concur, in proportion to its population alone, in the selection of the members of the Council of Elders and the Council of Five Hundred.

50. Every ten years the Legislative Body shall determine, on the basis of statements of population transmitted thereto, the number of members of each Council to be furnished by each department.

51. During the intervening period no change may be made in such apportionment.

52. The members of the Legislative Body are not representatives of the department which has elected them, but of the entire nation; and no mandate may be given them.

53. Both Councils shall be renewed annually by one-third.

54. Members retiring after three years may be re-elected immediately for the three ensuing years, after which an interval of two years must elapse before they may be elected again.

55. Under no circumstances may anyone be a member of the Legislative Body for more than six consecutive years.

56. If, owing to extraordinary circumstances, one of the two Councils finds itself reduced to less than two-thirds of its members, it shall give notice

thereof to the Executive Directory, which is required to convoke, without delay, the primary assemblies of departments which, as a consequence of such circumstances, have members of the Legislative Body to replace; the primary assemblies shall immediately choose the electors, who shall effect the necessary replacements.

57. The newly elected members of either Council shall meet annually on 1 Prairial, in the commune designated by the preceding Legislative Body, or, if another has not been designated, in the same commune in which it held its last sessions.

58. The two councils shall always reside in the same commune.

59. The Legislative Body is permanent; nevertheless, it may adjourn for periods determined by it.

60. Under no circumstances may the two Councils meet in one and the same hall.

61. The functions of president and secretary may not exceed the duration of one month in either the Council of Elders or that of Five Hundred.

62. The two Councils shall have respectively the right of police in the place of their sessions and in the external precincts determined by them.

63. They shall have respectively the right of police over their members; but they may not pronounce any penalty more severe than censure, arrest for one week, or imprisonment for three weeks.

64. The sessions of both Councils shall be public; the number of spectators may not exceed one-half that of the respective members of each Council.

The minutes of the sessions shall be printed.

65. Every resolution shall be made by a rising vote. In case of doubt, the roll call shall be used; but in such case voting shall be secret.

66. Upon the request of 100 of its members, each Council may resolve itself into secret committee of the whole, but only for discussion and not for deliberation.

67. Neither Council may create any permanent committee within its own midst.

But each Council shall have the power, when a matter appears to merit a preparatory examination, to appoint from among its members a special commission, which shall confine itself solely to the purpose for which it was formed.

Such commission shall be dissolved as soon as the Council has legislated upon the matter with which it was charged.

68. The members of the Legislative Body shall receive an annual compensation, established for both Councils at the value of 3,000 myriagrams of wheat (613 quintals, 32 pounds).

69. The Executive Directory may not have any body of troops pass or sojourn within six myriameters (twelve common leagues) of the commune in which

the Legislative Body holds its sessions, except upon its requisition or with its authorization.

70. A guard of citizens, drawn from the permanent National Guard of all departments and chosen by their brothers in arms, shall be stationed near the Legislative Body.

Such guard may not be fewer than 1,500 men in active service.

71. The Legislative Body shall determine the method and duration of such service.

72. The Legislative Body shall not attend any public ceremony or send deputations thereto.

The Council of Five Hundred

73. The Council of Five Hundred is established unalterably at that number.

74. In order to be elected a member of the Council of Five Hundred it shall be necessary to be fully thirty years of age, and to have been domiciled on the territory of the Republic during the ten years immediately prior to the election.

The stipulation of thirty years of age shall not be required before the seventh year of the Republic; until such time, the age of fully twenty-five years shall suffice.

75. The Council of Five Hundred may not deliberate unless the session is composed of at least 200 members.

76. The proposal of laws shall appertain exclusively to the Council of Five Hundred.

77. No proposal may be deliberated upon or resolved in the Council of Five Hundred, except in conformity with the following usages:

There shall be three readings of the proposal; the interval between two of said readings may not be less than ten days.

After each reading, the proposal shall be discussed; nevertheless, after the first or second reading, the Council of Five Hundred may declare that there is cause for adjournment, or that there is no occasion for deliberation.

Every proposal shall be printed and distributed two days before the second reading.

Following the third reading, the Council of Five Hundred shall decide whether there is occasion for adjournment.

78. No proposal which, after being discussed, has been definitively rejected following the third reading may be introduced again until a year has elapsed.

79. Proposals adopted by the Council of Five Hundred shall be called resolutions.

80. The preamble of every resolution shall state:

1st, The dates of the sessions in which the three readings of the proposal have taken place;

2nd, The instrument whereby, after the third reading, declaration has been made that there was no occasion for adjournment.

81. Proposals recognized as urgent by a previous declaration of the

Council of Five Hundred shall be exempt from the forms prescribed by article 77.

Such declaration shall state the motives for urgency, and shall be referred to in the preamble of the resolution.

The Council of Elders ⁴⁰

82. The Council of Elders shall be composed of 250 members.

83. No one may be elected a member of the Council of Elders: Unless he is fully forty years of age;

Unless, moreover, he is married or a widower;

And unless he has been domiciled on the territory of the Republic during the fifteen years immediately prior to the election.

84. The conditions of domicile prescribed by the preceding⁴¹ article and by article 74 do not affect citizens who have left the territory of the Republic on mission for the Government.

⁴⁰ **For years this title, “Conseil des Anciens,” has been translated (or mistranslated) “Council of**

Ancients"! An attempt is made here to introduce the use of a title more nearly accurate.

41 D and M., p. 90, note 2, says that the official text used the word present, but obviously meant preceding.

85. The Council of Elders may not deliberate unless at least 126 members are present.

86. Approval or rejection of resolutions of the Council of Five Hundred shall appertain exclusively to the Council of Elders.

87. As soon as a resolution of the Council of Five Hundred has reached the Council of Elders, the president shall read the preamble.

88. The Council of Elders shall refuse to approve resolutions of the Council of Five Hundred which have not been adopted according to the forms prescribed by the Constitution.

89. If the proposal has been declared urgent by the Council of Five Hundred, the Council of Elders shall deliberate on the approval or rejection of the statement of urgency.

90. If the Council of Elders rejects the statement of urgency, it shall not deliberate on the grounds of the resolution.

91. If the resolution is not preceded by a statement of urgency, it shall be given three readings. The interval between such readings may not be less than five days.

After each reading, the resolution shall be discussed.

Every resolution shall be printed and distributed at least two weeks before the second reading.

92. Resolutions of the Council of Five Hundred which are adopted by the Council of Elders shall be called laws.

93. The preamble of a law shall state the dates of the sessions of the

Council of Elders at which the three readings have taken place.

94. The decree by which the Council of Elders recognizes the urgency of a law shall be justified and mentioned in the preamble to said law.

95. The proposal of a law made by the Council of Five Hundred shall comprise all the articles of one and the same project. The Council of Elders shall reject or approve them in their entirety.

96. The approval of the Council of Elders shall be expressed upon each proposal of law by the following formula, signed by the president and the secretaries: *The Council of Elders approves---*

97. Refusal to adopt, because of the omission of forms indicated in article 77, shall be expressed by the following formula, signed by the president and the secretaries: *The Constitution annuls--*

98. Refusal to approve the basis of the law proposed shall be expressed by the following

formula, signed by the president and the secretaries: *The Council of Elders cannot adopt__*

99. In the case of the preceding article, the rejected draft of a law may not be presented again by the Council of Five Hundred until a year has elapsed.

100. Nevertheless, the Council of Five Hundred may present, at any time whatsoever, a draft of a law containing articles included in a rejected project.

101. During the course of the day, the Council of Elders shall send the laws which it has adopted to the Council of Five Hundred, as well as to the Executive Directory.

102. The Council of Elders may change the residence of the Legislative Body; in such case, it shall designate a new place and the time at which the two Councils are required to repair thereto.

The decree of the Council of Elders on said matter shall be irrevocable.

103. On the day of such decree, neither of the Councils may deliberate further in the commune where they have resided up to that time.

Members who continue their duties there will render themselves guilty of attacking the security of the Republic.

104. Members of the Executive Directory who retard or refuse to seal, promulgate, or dispatch the decree of transfer of the Legislative Body shall be guilty of the same offence.

105. If, within twenty days after the day determined by the Council of Elders, the majority of each Council has not informed the Republic of its arrival at the new place designated, or of its meeting in any other place whatsoever, the departmental administrators, or, in their default, the departmental civil courts, shall convoke the primary assemblies to choose electors, who shall proceed immediately with the formation of a new Legislative Body by the election of 250 deputies for the Council of Elders and 500 for the other Council.

106. Departmental administrators who, in the case of the preceding article, are remiss in convoking the primary assemblies will render themselves guilty of high treason and of an attack upon the security of the Republic.

107. All citizens who, in the case of article 106, impede the convocation of the primary and electoral assemblies shall be declared guilty of the same offence.

108. The members of the new Legislative Body shall assemble in the place to which the Council of Elders has transferred its sessions.

If they cannot meet in such place, wherever a majority is present, *there* is the Legislative Body.

109. Except in the case of article 102, no proposal of law may originate in the Council of Elders.

Of the Guarantee of Members of the Legislative Body

110. Citizens who are or who have been members of the Legislative Body may not be investigated,

indicted, or tried at any time for what they have said or written in the performance of their duties.

111. Members of the Legislative Body may not be put on trial, from the time of their election until the thirtieth day after the expiration of their tenure of office, except according to the forms prescribed by the following articles.

112. For criminal acts they may be seized *flagrante delicto*, but notice thereof must be given, without delay, to the Legislative Body, and the prosecution may be continued only after the Council of Five Hundred has proposed that they be brought to trial, and the Council of Elders has decreed it.

113. Apart from cases of *flagrante delicto*, members of the Legislative Body may not be brought before police officers or placed under arrest until after the Council of Five Hundred has proposed that they be brought to trial, and the Council of Elders has decreed it.

114. In the case of the two preceding articles, members of the Legislative Body may not be brought before any court other than the

High Court of Justice.

115. They shall be brought before said same court for acts of treason, embezzlement, plots for overthrowing the Constitution, and attacks upon the internal security of the Republic.

116. No denunciation of a member of the Legislative Body may give rise to prosecution unless

it is drawn up in writing, signed, and addressed to the Council of Five Hundred.

117. If, after having deliberated according to the form prescribed by article 77, the Council of Five Hundred accepts the denunciation, it shall so declare in the following terms:

*The denunciation of-for the act of--dated
signed by is allowed.*

118. The accused is then summoned. He shall have three days of grace in which to make his appearance, and when he appears he shall be heard in the place of the sessions of the Council of Five Hundred.

119. Whether the accused has presented himself or not, the Council of Five Hundred shall declare, after such interval, whether there is occasion for examination of his conduct.

120. If the Council of Five Hundred declares that there is occasion for such examination, the accused shall be summoned by the Council of Elders. He shall have two days of grace in which to appear; and if he appears, he shall be heard in the place of the sessions of the Council of Elders.

121. Whether the accused has presented himself or not, the Council of Elders, after such interval, and after having deliberated according to the forms prescribed by article 91, shall pronounce indictment if there is occasion, and shall send the accused before the High Court of Justice, which is required to institute action without delay.

122. All discussion, in either Council, relative to commitment or indictment of a member of the Legislative Body shall take place in Committee of the Whole.⁴²

Every deliberation upon such matters shall be taken by roll call and secret ballot.

123. Indictment pronounced against a member of the Legislative Body shall entail suspension.

If he is acquitted by judgment of the High Court of Justice, he may resume office.

Relations of the Two Councils with Each Other

124. When the two Councils are definitively constituted, they shall give notice thereof reciprocally by a messenger of State.

125. Each Council shall appoint four messengers of State'for its service.

126. Said messengers shall convey the laws and acts of the Legislative Body to each of the Councils, and to the Executive Directory; and for such purpose they shall have entree to the place of the sessions of the Executive Directory.

They shall be preceded by two ushers.

127. Neither of the two Councils may adjourn for more than five days without the consent of the other.

Promulgation of [2](#)

128. The Executive Directory shall have the laws and other acts of the Legislative Body sealed and published within two days after receiving them.

129. It shall have those laws and acts of the Legislative Body which are preceded by a decree of urgency sealed and promulgated within a day.

130. Publication of laws and acts of the Legislative Body shall be ordered in the following form:

“In the name of the French Republic, (law) or (act of the Legislative Body) _The Directory orders that the above law or

legislative act be published, executed, and authenticated with the seal of the Republic.”

131. Laws, the preambles of which do not attest observation of the forms prescribed by articles 77 and 91, may not be promulgated by the Executive Directory, and its responsibility in such connection shall continue for six years.

Laws for which a statement of urgency has been approved by the Council of Elders are excepted.

TITLE VI

EXECUTIVE POWER³

132. The Executive Power shall be delegated to a Directory of five members appointed by the Legislative Body, which for such purpose performs the functions of an electoral body, in the name of the nation.

133. The Council of Five Hundred shall prepare, by secret ballot, a list of ten times the number of members of the Directory to be appointed, and shall present it to the Council of Elders, which shall choose, also by secret ballot, from said list.

134. The members of the Directory must be at least forty years of age.

135. They may be chosen only from among citizens who have been ministers or members of the Legislative Body.

The present article shall be observed only dating from the ninth year of the Republic.

136. Dating from the first day of Year V of the Republic, members of the Legislative Body may not be elected members of the Directory or ministers, either during the continuance of their legislative functions or during the first year after the expiration of same.

137. The Directory shall be renewed in part by the election of one new member annually.

During the first four years, the order of retirement of those first elected shall be determined by lot.

138. None of the retiring members may be re-elected until after an interval of five years.

139. Ancestors and descendants in direct line, brothers, uncles and nephews, first cousins, and those related by marriage in said several degrees may not be members of the Directory at one and the

same time, or succeed one another therein until after an interval of five years.

140. In case of the removal of one of the members of the Directory by death, resignation, or otherwise, his successor shall be elected by the Legislative Body within ten days at the latest.

The Council of Five Hundred shall be required to propose candidates within the first five days, and the Council of Elders shall complete the election within the last five days.

The new member shall be elected only for the term of office remaining to the one to be replaced.

Nevertheless, if such time does not exceed six months, the person elected shall remain in office until the end of the fifth year following.

141. Each member of the Directory shall preside over it in turn for three months only.

The president shall possess the right of signature, and shall have custody of the seal.

Laws and acts of the Legislative Body shall be addressed to the Directory in the person of its president.

142. The Executive Directory may not deliberate unless at least three of its members are present.

The Final Phase of the National Convention

143. It shall choose for itself, from outside its own membership, a secretary who shall countersign

dispatches and record deliberations in a register, in which every member has the right to have his motivated opinion inscribed.

When it deems it expedient, the Directory may deliberate without the presence of its secretary; in such case, the deliberations shall be recorded in a special register by one of the members of the Directory.

144. The Directory shall provide, according to law, for the external and internal security of the Republic.

It may issue proclamations in conformity with the laws, and for the execution thereof.

It shall dispose the armed force, but neither the Directory collectively nor any one of its members may, under any circumstances, command same while in office or during the two years immediately following the expiration of his term.

145. If the Directory is informed that a conspiracy is being plotted against the external or internal security of the State, it may issue warrants of apprehension and arrest against those who are presumed to be the authors or accomplices thereof; it may question them; but it shall be required, under the penalties provided for the crime of arbitrary detention, to send them before the police officer within two days, in order to proceed according to law.

146. The Directory shall appoint the generals in chief; it may not choose them from among the blood

or marriage relations of its members in the degrees stated in article 139.

147. It shall supervise and assure the execution of laws in the administrations and courts, through commissioners of its own appointment.

148. It shall appoint the ministers, from outside its own membership, and may dismiss them when it thinks it advisable.

It may not select anyone under the age of thirty years, or from among the blood or marriage relations of its members in the degrees stated in article 139.

149. The ministers shall correspond directly with the authorities that are subordinate to them.

150. The Legislative Body shall determine the number of the ministers and their prerogatives.

Such number may not be fewer than six or more than eight.

151. The ministers do not constitute a council.

152. The ministers shall be jointly and severally responsible for nonexecution of laws, as well as for nonexecution of orders of the Directory.

153. The Directory shall appoint the collector of direct taxes in each and every department.

154. It shall appoint the superintendents in chief for the administration of indirect taxes and the national domains.

155. Until peace has been made, all public functionaries in the French colonies, except in the departments of the lie de France and the lie de la Reunion, shall be appointed by the Directory.

156. The Legislative Body may authorize the Directory to send to all French colonies, as occasion may require, one or more special agents appointed by it for a limited time.

Such special agents shall perform the same duties as the Directory, and shall be subordinate thereto.

157. No member of the Directory may leave the territory of the Republic until two years after his retirement from office.

158.. During such interval, he shall be required to furnish the Legislative Body with proofs of his residence.

Articles 112 to 123, inclusive, relative to the guarantee of the Legislative Body, shall apply also to members of the Directory.

159. In case more than two members of the Directory are placed on trial, the Legislative Body shall provide, in the usual forms, for their provisional replacement during the trial.

160. Apart from the cases in articles 119 and 120, neither the Directory nor any of its members may be summoned by either the Council of Five Hundred or the Council of Elders.

161. Reports and explanations requested of the Directory by either Council shall be furnished in

writing.

162. The Directory shall be required to present both Councils annually with a written estimate of expenses, the financial situation, and the state of existing pensions, as well as a plan for those which it thinks ought to be established.

It shall indicate abuses which have come to its attention.

163. The Directory may, in any case, submit a written request to the Council of Five Hundred to take a matter under consideration; it may propose measures thereto, but not projects drafted in the form of laws.

164. No member of the Directory may be absent for more than five days, or go farther than four myriameters (eight common leagues) from the place of residence of the Directory, without authorization of the Legislative Body.

165. In the performance of their duties, either outside or inside their dwellings, members of the Directory may appear only in their appropriate costume.

166. The Directory shall have its customary guard, paid by the Republic, and composed of 120' infantry and 120 cavalry.

167. The Directory shall be accompanied by its guard in public ceremonies and processions, where it shall always have first rank.

168. When in public, every member of the Directory shall be accompanied by two guards.

169. Every army post owes the Directory, and every one of its members, the highest military honors.

170. The Directory shall have four messengers of State, whom it appoints and whom it may dismiss.

They shall convey letters and memoranda of the Directory to the two Legislative Councils; for such purpose they shall have entree into the place of sessions of the Legislative Councils.

They shall be preceded by two ushers.

171. The Directory shall reside in the same commune as the Legislative Body.

172. The members of the Directory shall be lodged at the expense of the Republic, and in one and the same edifice.

173. The annual stipend of each of them is established at the value of 50,000 myriagrams of wheat (10,222 quintals).

TITLE VII

ADMINISTRATIVE AND MUNICIPAL BODIES⁴⁵

174. In each and every department there shall be a central administration, and in each and every canton at least one municipal administration.⁴⁶

175. Every member of a departmental or municipal administration must be at least twenty-five years of age.

176. Ancestors and descendants in direct line, brothers, uncles and nephews, and those related by marriage in said same degrees, may not be members of the same administration at one and the same time, nor may they succeed one another therein until after an interval of two years.

177. Each and every departmental administration shall be composed of five members; it shall be renewed annually by one-fifth.

178. Every commune of from 5,000 to 100,000 inhabitants shall have a municipal administration of its own.

179. In every commune of fewer than 5,000 inhabitants there shall be a municipal agent and an assistant.

180. The assembly of the municipal agents of every commune shall constitute the cantonal municipality.

181. Moreover, a president of the municipal administration shall be chosen from the entire canton.

182. There shall be five municipal officials in communes of from

5,000 to 10,000 inhabitants;

Seven for from 10,000 to 50,000;

Nine for from 50,000 to 100,000.

183. In communes of more than 100,000 inhabitants there shall be at least three municipal administrations.

In said communes the division of municipalities shall be made in such manner that the population of the *arrondissement* of each one may not exceed 50,000 persons, and may not be fewer than 30,000. The municipality of every *arrondissement* shall be composed of seven members.

184. In communes which are divided into several municipalities, there shall be a central bureau for matters deemed indivisible by the Legislative Body.

Said bureau shall be composed of three members, appointed by the departmental administration and confirmed by the executive power.

185. The members of every municipal administration shall be appointed for two years, and renewed annually by one-half or by the fraction nearest one-half, and by the larger and smaller fraction alternately.

186. The departmental administrators and members of municipal administrations may be re-elected once without an interval between terms.

187. Any citizen who has been elected departmental administrator or member of a municipal administration twice in succession, and who has performed the duties thereof by virtue of both elections, may not be re-elected until after an interval of two years.

188. In case a departmental or municipal administration loses one or more of its members by death, resignation, or otherwise, the remaining administrators, in filling the vacancies, may add to themselves temporary administrators, who shall act in such capacity until the following elections.

189. The departmental and municipal administrations may not alter acts of the Legislative Body or of the Executive Directory, or suspend the execution thereof.

They may not interfere with matters connected with the judiciary.

190. The administrators are essentially charged with the assessment of direct taxes, and with the supervision of funds accruing from public revenues in their territory.

The Legislative Body shall determine the rules and method of their functions in such connection, as well as in other branches of internal administration.

191. The Executive Directory shall appoint a commissioner for every departmental and municipal administration; it may recall him whenever it deems it expedient.

Said commissioner shall supervise and require the execution of the laws.

192. The commissioner for every local administration shall be chosen from among the citizens domiciled for a year in the department in which such administration is established.

He must be at least twenty-five years of age.

193. The municipal administrations shall be subordinate to the departmental administrations, and these, in turn, to the ministers.

Accordingly, the ministers may annul, each in whatever concerns him, acts of the departmental administrations; and these, in turn, acts of the municipal administrations, when such acts are contrary to law or to the orders of higher authorities.

194. The ministers may also suspend departmental administrations which have contravened laws or the orders of higher authorities; and departmental administrations shall have the same right with respect to members of municipal administrations.

195. No suspension or annulment may become definitive without formal confirmation by the Executive Directory.

196. The Directory may also annul acts of the departmental or municipal administrations immediately.

It may suspend or dismiss immediately, whenever it thinks it necessary, either departmental or cantonal administrators, and may send them before the departmental courts when there is occasion.

197. Every order providing for the annulment of acts, or the suspension or dismissal of an administrator, must include a statement of reasons therefor.

198. When the five members of a departmental administration are dismissed, the Executive Directory shall provide for their replacement until the following election; but it may choose their provisional substitutes only from among former administrators of the same department.

199. The administrations, whether departmental or cantonal, may correspond among themselves only concerning matters assigned to them by law, and not concerning the general interests of the Republic.

200. Every administration shall render an annual report of its activities.

The reports rendered by departmental administrations shall be printed.

201. All acts of administrative bodies shall be rendered public by depositing the register in which they are recorded, and granting all persons under the administration access thereto.

Said register shall be closed every six months, and shall be on deposit only from the day that it was closed.

The Legislative Body may, according to circumstances, extend the term established for such deposit.

TITLE VIII

JUDICIAL POWER⁴⁷

General Provisions

202. Judicial functions may not be performed by either the Legislative Body or the executive power.

203. Judges may not interfere with the exercise of the legislative power, or make any regulation.

⁴⁷ Cf. Constitution of 1793, arts. 85-100 [document 95, *supra*]; 1791, Title III, preamble and Ch. V [document 48, *supra*].

They may not impede or suspend the execution of any law, or • summon administrators before them because of their acts.

204. No commission or competence, other than those established by a previous law, may deprive anyone of the judges assigned to him by law.

205. Justice shall be rendered gratuitously.

206. Judges may be dismissed only for legally pronounced forfeiture, and may be suspended only by an admitted indictment.

207. Ancestors and descendants in direct line, brothers, uncles and nephews, first cousins, and those related by marriage in said several degrees, may not be members of the same court at one and the same time.

208. Court sessions shall be public; judges shall deliberate in secret; decisions shall be pronounced orally; they shall include a statement of reasons and of the terms of the law applied.

209. No citizen may be elected judge of a departmental court, or justice of the peace, or

assistant to a justice of the peace, or judge of a court of commerce, or member of the Court of Cassation, or juror, or commissioner of the Executive Directory at the courts, unless he is fully thirty years of age.

Of Civil Justice

210. The right of having differences passed upon by arbiters who are chosen by the parties concerned may not be impaired.

211. The decision of such arbiters shall be without appeal, and without recourse to cassation, unless the parties have expressly reserved it.

212. In every *arrondissement* established by law there shall be a justice of the peace and his assistants.

They shall be elected for two years, and may be re-elected immediately and indefinitely.

213. The law shall determine the matters over which justices of the peace and their assistants have final jurisdiction.

It shall assign them others, on which they may pronounce judgment subject to appeal.

214. There shall be special courts for commerce on land and sea; the law shall determine the places suitable for their establishment.

Their power to pronounce judgment in the last resort may not be extended beyond the value of 500

myriagrams of wheat (102 quintals, twenty-two pounds).

215. Cases which are subject to the jurisdiction of neither justices-of the peace nor courts of commerce, either in the last resort or subject to appeal, shall be brought directly before the justice of the peace and his assistants for conciliation.

If the justice of the peace is unable to conciliate them, he shall send them before the civil court.

216. There shall be one civil court for every department.

Every civil court shall be composed of at least twenty judges, one commissioner and one substitute appointed and removable by the

Executive Directory, and one clerk.

The election of all members of the court shall take place every five years.

The judges may be re-elected.

217. At the time of the election of judges, five substitutes shall be selected, three from among citizens residing in the commune where the court sits.

218. The civil court shall pronounce in the last resort, in the cases determined by law, upon appeals from judgments either of justices of the peace, or of arbiters, or of commercial courts.

219. Appeal from judgments pronounced by the civil court shall be taken to the civil court of one of the three nearest departments, as determined by law.

220. The civil court shall be divided into sections.

A section may not pronounce judgment unless five judges are present.

221. The assembled judges in every court shall select the president of each section, from among themselves, by secret ballot.

Of Correctional and Criminal Justice

222. No one may be arrested except to be brought before the officer of police; and no one may be placed under arrest or detained, except by virtue of a warrant of arrest from the officers of police or from the Executive Directory, in the case of article 145, or an order of arrest, either from a court or from the foreman of the grand jury, or a writ of indictment from the Legislative Body where it has authority to pronounce one, or a judgment of condemnation to prison or correctional detention.

223. In order that the instrument ordering the arrest may be executed, it shall be necessary:

1st, That it state formally the cause for the arrest, and the law in compliance with which it is ordered;

2nd, That the accused be notified and provided with a copy thereof.

224. Every person arrested and brought before the officer of police shall be examined immediately, or during the day at the latest.

225. If the examination discloses that there is no ground for accusation against him, he shall be placed at liberty immediately; or, if there is occasion for sending him to jail, he shall be taken there as soon as possible, in any case within three days.

226. No arrested person may be detained, if . he gives sufficient bail, in any of the cases in which the law permits him to remain at liberty under bail.

227. No person, in case his detention is authorized by law, may be brought to or detained elsewhere than in the places legally and publicly designated to serve as jails, courthouses, or houses of detention.

228. No custodian or jailer may receive or detain any person except by virtue of a warrant of arrest, according to the forms prescribed by articles 222 and 223, an order for arrest, a writ of indictment, or a judgment of condemnation to prison or correctional detention, and unless the transcript thereof has been entered upon his register.

229. Every custodian or jailer shall be required, and no order may dispense therewith, to present the detained person to the civil official who is in charge of the police of the house of detention, whenever so required by that officer.

230. Production of the detained person may not be refused to his relatives and friends bearing an order from the civil official, who shall always be required to grant it, unless the custodian or jailer presents an

order from the judge, transcribed upon his register, to hold the arrested person *incommunicado*.

231. Any man, whatever his position or employment, other than those to whom the law has given the right of arrest, who gives, signs, executes, or has executed an order for the arrest of any person, or anyone who, even in the case of an arrest authorized by law, brings to, receives, or detains a person in a place of detention not publicly and legally designated, and all custodians or jailers who contravene the provisions of the three preceding articles, shall be guilty of the crime of arbitrary imprisonment.

232. All severities employed in arrests, detentions, or executions, other than those prescribed by law, shall be considered as crimes.

233. In each and every department there shall be at least three, and not more than six, correctional courts, for the trial of offences for which the punishment is neither corporal nor degrading.

Such courts may not pronounce penalties more severe than imprisonment for two years.

1

Cf. Declaration of Rights, 1789 [document 1793 [document 95, *supra*].

2

Cf. Constitution of 1793, arts. 56-61 [document 95, *supra*]; Constitution of 1791, Title III, Ch. IV, sec. 1 [document 48, *supra*].

Cf Constitution of 1793, arts. 62-77 [document 95, *supra*]; Constitution of 1791, Title III, preamble, Ch. II, sec. 4, Ch. III, sec. 4, Ch. IV, preamble and secs. 1, 3 [document 48, *supra*].

Cognizance of offences for which the penalty does not exceed the value of three days' labor, or imprisonment for three days, shall be delegated to the justice of the peace, who shall pronounce in the last resort.

234. Every correctional court shall be composed of a president, two justices of the peace or assistants of justices of the peace of the commune in which it is established, a commissioner from the executive power, appointed and removable by the Executive Directory, and a clerk.

235. The president of each correctional court shall be chosen every six months, and in rotation, from among the members of the sections of the departmental civil court, the presidents excepted.

236. There may be appeal from judgments of the correctional court to the departmental criminal court.

237. In the matter of offences entailing corporal or degrading penalties, no person may be tried except upon an indictment admitted by the jurors, or decreed by the Legislative Body in case the issuance of the indictment appertains thereto.

238. A grand jury shall declare whether the indictment is to be admitted or rejected; the facts shall be passed upon by a trial jury; and the penalty determined by law shall be applied by the criminal courts.

239. The jurors shall vote only by secret ballot.

240. In each and every department there shall be as many grand juries as there are correctional courts.

The presidents of the correctional courts shall be the foremen thereof, each in his own *arrondissement*.

In addition to the president of the correctional court, in communes of over 50,000 inhabitants, as many foremen of grand juries as the transaction of business requires may be established by law.

241. The duties of commissioner from the executive power and of clerk for the foreman of the grand jury shall be performed by the commissioner and the clerk of the correctional court.

242. Every foreman of a grand jury shall have immediate surveillance over all the police officers of his *arrondissement*.

243. The foreman of the jury, as police officer, shall prosecute immediately, on denunciations made to him by the public prosecutor, whether *ex officio* or in accordance with orders of the Executive Directory:

1st, Attacks upon the liberty or individual security of citizens;

2nd, Those committed against the law of nations;

3rd, Resistance to the execution of judgments or of any executory acts emanating from the constituted authorities;

4th, Disturbances occasioned and assaults committed in order to hinder the collection of taxes

and the free circulation of provisions and other articles of commerce.

244. There shall be one criminal court for every department.

245. The criminal court shall be composed of a president, a public prosecutor, four judges taken from the civil court, the commissioner from the executive power at the same court (or his substitute), and a clerk. '

In the criminal court of the department of the Seine, there shall be a vice-president and a substitute for the public prosecutor; said court shall be divided into two sections; eight members of the civil court shall perform the duties of judges therein.

246. The presidents of the sections of the civil court may not perform the duties of judges in the criminal court.

247. The other judges, in turn, shall serve there for six months, in order of appointment, and they may not perform any duties in the civil court during such time.

248. The public prosecutor shall be responsible:

1st, For prosecuting offences according to writs of indictment admitted by the grand juries;

2nd, For transmitting to the police officers denunciations addressed directly to him;

3rd, For supervising the police officers of the department, and for prosecuting them, according to

law, in case of negligence or more serious offences.

249. The commissioner from the executive power shall be responsible :

1 st, For requiring regularity of forms in the course of the examination, and application of the law before the judgment;

2nd, For carrying out the execution of judgments rendered by the criminal court.

250. The judges may not propound any complex question to the jurors.

251. The trial jury shall consist of at least twelve jurors: the accused shall have the right to challenge, without giving motives, the number of them determined by law.

252. The examination before the trial jury shall be public, and the accused may not be denied the assistance of counsel whom they have the right to choose, or who have been officially appointed for them.

253. No person acquitted by a legal jury may be rearrested or indicted again for the same offence.

Court of Cassation

254. For the entire Republic there shall be one Court of Cassation. It shall pass:

1st, Upon petitions in cassation against judgments in the last resort rendered by the courts;

2nd, Upon petitions for removal from one court to another, because of legitimate suspicion or public security;

3rd, Upon rulings of judges and suits against an entire court.

255. The Court of Cassation may never have cognizance of the grounds of suits; but it may reverse judgments rendered upon proceedings in which forms have been violated, or which contain some express contravention of the law, and it may refer the grounds of the suit to the court which has cognizance thereof.

256. When, after one cassation, the second judgment on the grounds is contested on the same basis as the first, the question may no longer be discussed before the Court of Cassation without having been submitted to the Legislative Body, which shall declare a law with which the Court of Cassation is required to comply.

257. The Court of Cassation shall be required to send annually, to every one of the sections of the Legislative Body, a deputation which shall present it with the list of judgments rendered, with marginal notes and the text of the laws determining the judgments.

258. The number of judges in the Court of Cassation may not exceed three-fourths of the number of departments.

259. Said court shall be renewed annually by one-fifth.

The departmental electoral assemblies shall elect, successively and alternately, judges to replace those retiring from the Court of Cassation.

The judges of said court may always be re-elected.

260. Every judge of the Court of Cassation shall have a substitute, elected by the same electoral assembly.

261. A commissioner and substitutes, appointed and removable by the Executive Directory, shall be attached to the Court of Cassation.

262. The Executive Directory, through its commissioner and without prejudice to the right of the interested parties, shall inform the Court of Cassation of acts in which judges have exceeded their powers.

263. The court shall annul such acts; and if they occasion forfeiture, the fact shall be announced to the Legislative Body, which shall render writ of indictment after having heard or summoned the accused.

264. The Legislative Body may not annul decisions of the Court of Cassation, except in the case of personal prosecution of judges who have incurred forfeiture.

High Court of Justice

265. There shall be a High Court of Justice to pass judgment upon indictments admitted by the Legislative Body, against either its own members or those of the Executive Directory.

266. The High Court of Justice shall be composed of five judges and two national prosecutors taken from the Court of Cassation, and of high jurors elected by the departmental electoral assemblies.

267. The High Court of Justice shall be constituted only by virtue of a proclamation of the Legislative Body, drafted and published by the Council of Five Hundred.

268. It shall be constituted and shall hold its sessions in the place designated by the proclamation of the Council of Five Hundred.

Said place must be at least twelve myriameters distant from that where the Legislative Body is located.

269. When the Legislative Body has proclaimed the formation of the High Court of Justice, the Court of Cassation, in a public session, shall select by lot fifteen of its members; then it shall select, at the same session, five of said fifteen, by secret ballot; the five judges thus selected shall be the judges of the High Court of Justice; they shall choose a president from among themselves.

270. In the same session, the Court of Cassation shall select, by ballot and absolute majority, two of its members to perform the duties of national prosecutors before the High Court of Justice.

277. Writs of indictment shall be drafted and worded by the Council of Five Hundred.

272. The departmental electoral assemblies shall elect a jury for the High Court of Justice annually.

273. The Executive Directory shall have the list of jurors who are elected for the High Court of Justice printed and published one month after the date of the elections.

TITLE IX

THE ARMED FORCE⁴⁸

274. The armed force is established to defend the State against enemies from without, and to assure the maintenance of order and the execution of the laws within.

48 cf. Constitution of 1793, arts. 107-114 [document 95, *supra*]; Constitution of 1791, Title IV [document 48, *supra*].

275. The public force is essentially obedient; no armed body may deliberate.

276. It shall be divided into a resident National Guard and a National Guard on active service.

Of the Resident National Guard

277. The resident National Guard shall be composed of all citizens and sons of citizens who are capable of bearing arms.

278. Its organization and discipline shall be the same throughout the entire Republic; they shall be established by law.

279. No Frenchman may enjoy the rights of citizenship unless he is registered on the roll of the resident National Guard.

280. Distinctions of rank and subordination may exist therein only in relation to service, and throughout its duration.

281. The officers of the resident National Guard shall be elected, at stated times, by the citizens who compose it, and may be re-elected only after an interval.

282. The command of the National Guard of an entire department may not be entrusted ordinarily to a single citizen.

283. If it is deemed necessary to assemble the entire National Guard of a department, the Executive Directory may appoint a temporary commander.

284. The command of the resident National Guard in cities of

100,000 inhabitants and over may not be entrusted ordinarily to one man.

Of the National Guard on Active Service

285. The Republic shall maintain in its pay, even in time of peace, an army on land and sea under the name of National Guard on active service.

286. The army shall be constituted by voluntary enlistment, and, in case of need, by the method determined by law.

287. No foreigner who has not acquired the rights of French citizenship may be admitted into the

French armies, unless he has waged one or more campaigns for the establishment of the Republic.

288. The commanders or leaders on land and sea shall be appointed only in case of war; they shall receive from the Executive Directory commissions which are revocable at will. The duration of such commissions shall be limited to one campaign; but it may be extended.

289. The general command of the armies of the Republic may not be entrusted to one man.

290. The army on land and sea shall be subject to special laws for discipline, the form of trials, and the nature of penalties.

291. No part of the resident National Guard or the National Guard on active service may act in the internal service of the Republic, except upon written requisition of the civil authority, in the forms prescribed by law.

292. The public force may be requisitioned by the civil authorities only within the extent of their territory; it may not move from one canton to another without being authorized thereto by the departmental administration, or from one department to another without orders from the Executive Directory.

293. Nevertheless, the Legislative Body shall determine means of assuring, by the public force, the execution of judgments and the prosecution of accused persons on French territory.

294. In case of imminent danger, the municipal administration of a canton may requisition the National Guard of neighboring cantons; in such case, the administration making requisition and the leaders of the National Guards requisitioned both shall be required to render immediate account thereof to the departmental administration.

295. No foreign troops may be brought upon French territory without the previous consent of the Legislative Body.

TITLE X

PUBLIC INSTRUCTION⁴⁹

296. There shall be primary schools in the Republic where pupils may learn reading, writing, the elements of computation, and the fundamentals of morality. The Republic shall provide for the expense of lodging the teachers who preside over said schools.

297. In divers parts of the Republic there shall be schools superior to the primary schools, and the number of same shall be such that there is at least one for every two departments.

298. For the entire Republic there shall be a National Institute, responsible for collecting discoveries and perfecting the arts and sciences.

299. The several establishments of public instruction shall have no relation of subordination to or administrative correspondence with one another.

49 cf constitution of 1791, Title I [document 48, *supra*]. See also documents 124-130, *infra*.

300. Citizens shall have the right to constitute private establishments for education and instruction, as well as free societies to contribute to the progress of the sciences, letters, and arts.

301. National festivals shall be established to maintain fraternity among the citizens, and to attach them to the Constitution, the *Patrie*, and the laws.

TITLE XI

FINANCES¹

Taxes

302. Public taxes shall be deliberated upon and established annually by the Legislative Body. The establishment thereof shall appertain to it alone. They may not continue beyond one year, unless expressly renewed.

303. The Legislative Body may create any kind of tax that it deems necessary; but it shall establish a land tax and a personal tax annually.

304. Every individual, who, not subject to articles 12 and 13 of the Constitution, has not been included on the roll of direct taxes, shall have the right to present himself at the municipal administration of his commune, and to have himself registered thereon for a personal tax equal to the local value of three days' agricultural labor.

305. The registration referred to in the preceding article may be effected only during the month of Messidor of each year.

306. Taxes of every sort shall be apportioned among all those liable to taxation, in proportion to their ability to pay.

307. The Executive Directory shall direct and supervise the collection and payment of taxes, and shall give all orders necessary therefor.

308. The detailed accounts of the expenditure of the ministers, signed and certified by them, shall be made public at the beginning of every year..

The same shall apply with regard to statements of receipts of the divers taxes and all public revenues.

309. The statements of said expenses and receipts shall be distinguished according to their nature; they shall indicate the sums received and expended, year by year, in every branch of the general administration.

310. The accounts of the special expenses of the departments, and those relative to the courts, administrations, the progress of the sciences, and all public works and establishments shall likewise be published.

311. The departmental administrations and the municipalities may not make any assessment in excess of the sums established by the Legislative Body, or deliberate upon or permit, without authorization therefrom, any local loan at the

expense of citizens of the department, commune, or canton.

312. The right to regulate the manufacture and issue of every sort of money, to establish the value and weight, and to determine the type thereof, shall appertain to the Legislative Body alone.

313. The Directory shall supervise the manufacture of monies, and shall appoint the officers responsible for the immediate performance of such inspection.

314. The Legislative Body shall determine the taxes of the colonies, and their commercial relations with the mother country.

National Treasury and Accounting

315. Five commissioners of the National Treasury shall be elected by the Council of Elders, from a triple list presented by that of Five Hundred.

316. They shall hold office for five years; one of them shall be renewed annually, and may be re-elected indefinitely and without interval.

317. The commissioners of the Treasury shall be responsible for supervising the receipt of all national revenues;

With ordering the movement of funds and the payment of all public expenses authorized by the Legislative Body;

With keeping an open expense and receipt account with the collector of the direct taxes of every department, with the several national excise offices,

and with the paymasters established in the departments;

With maintaining with the said receivers and paymasters, with the excise offices and administrations, the correspondence necessary for securing exact and regular return of funds.

318. They may not, under penalty of forfeiture, make any payment, except by virtue:

1 st, Of a decree of the Legislative Body, and up to the amount of funds decreed thereby for each purpose;

2nd, Of a decision of the Directory;

3rd, Of the signature of the minister ordering the expenditure.

319. They may not, likewise under penalty of forfeiture, approve any payment, unless the warrant, signed by the minister whom such kind of expenditure concerns, states the date of the decision of the Executive Directory and of the decrees of the Legislative Body authorizing said payment.

320. The collectors of direct taxes in every department, the several national excise offices, and the paymasters in the departments shall remit to the National Treasury their respective accounts; the Treasury shall verify and settle them.

321. There shall be five commissioners of national accounting, elected by the Legislative Body at the

same time, and according to the same forms and conditions, as the commissioners of the Treasury.

322. The general account of receipts and expenditures of the Republic, supported by the special accounts and vouchers, shall be presented by the commissioners of the Treasury to the commissioners of accounting, who shall verify and settle it.

323. The commissioners of accounting shall inform the Legislative Body of abuses, malversations, and all cases of irresponsibility which they discover in the course of their activities; they shall propose, on their part, measures suitable to the interests of the Republic.

324. The result of the accounts settled by the commissioners of accounting shall be printed and made public.

325. The commissioners, both of the National Treasury and of accounting, may be suspended or removed only by the Legislative Body. But during the adjournment of the Legislative Body, the Executive Directory may provisionally suspend and replace the commissioners of the National Treasury to the number of two at most, upon condition of referring the matter to both Councils of the Legislative Body as soon as they have resumed their sessions.

TITLE XII

FOREIGN RELATIONS ⁵¹

326. War may be declared only by decree of the Legislative Body, upon the formal and necessary

proposal of the Executive Directory.

327. The two Legislative Councils shall concur, according to the usual forms, in the decree by which war is declared.

328. In case of imminent or actual hostilities, of threats of or

⁵¹ Cf Constitution of 1793, arts. 118-121 [document 95, *supra*]; Constitution of 1791, Title III, Ch. IV, sec. 3, and Title VI [document 48, *supra*]. preparations for war against the French Republic, the Executive Directory shall be required to employ, for the defence of the State, the means placed at its disposal, upon condition of informing the Legislative Body thereof without delay.

In such case it may even recommend the augmentations of force and the new legislative measures which circumstances necessitate.

329. The Directory alone may maintain political relations abroad, conduct negotiations, dispose the forces by land and sea as it deems expedient, and regulate the direction thereof in case of war.

330. It shall be authorized to make preliminary stipulations, such as armistices and neutralizations; it may also agree upon secret conventions.

331. The Executive Directory shall agree upon, sign, or have signed, all treaties of peace, alliance, truce, neutrality, commerce, and other conventions with foreign powers which it deems necessary for the welfare of the State.

Such treaties and conventions shall be negotiated, in the name of the French Republic, by diplomatic agents appointed by the Executive Directory and charged with its instructions.

332. In case a treaty includes secret articles, the provisions of such articles may not be destructive of the open articles, or contain any alienation of the territory of the Republic.

333. Treaties shall be valid only after having been examined and ratified by the Legislative Body; nevertheless, the secret terms may be executed provisionally from the moment they are agreed upon by the

Directory.

334. Neither of the Legislative Councils may deliberate upon war or peace, except in committee of the whole.

335. Foreigners, whether established in France or not, may inherit from their kinsmen, whether French or foreign; they may contract for, acquire, and receive property situated in France, and may dispose thereof, just as French citizens, by every means authorized by law.

TITLE XIII

REVISION OF THE CONSTITUTION⁵²

336. If experience indicates defects in any articles of the Constitution, the Council of Elders may propose the revision thereof.

52 Cf. Constitution of 1793, arts. 115-117 [document 95, Constitution of

1791, Title VII [document 48, *supra*].

337. In such case, the proposal of the Council of Elders shall be subject to ratification by the Council of Five Hundred.

338. When, within a period of nine years, the proposal of the Council of Elders, ratified by the Council of Five Hundred, has been made on three occasions, at least three years apart, an assembly of revision shall be convoked.

339. Said assembly shall be constituted of two members from each department, all elected in the same manner as members of the Legislative Body, and possessing the same qualifications as those required for the Council of Elders.

340. For the meeting of the assembly of revision, the Council of Elders shall designate a place, at least twenty myriameters distant from that where the Legislative Body sits.

341. The assembly of revision shall have the right to change the place of its residence, subject to observation of the distance prescribed by the preceding article.

342. The assembly of revision may not perform any legislative or governmental function; it shall limit itself to the revision of the constitutional articles designated by the Legislative Body.

343. All articles of the Constitution, without exception, shall continue in force until the changes proposed by the assembly of revision have been accepted by the people.

344. The members of the assembly of revision shall deliberate in common.

345. Citizens who are members of the Legislative Body at the time of convocation of an assembly of revision may not be elected members of such assembly.

346. The assembly of revision shall direct immediately to the primary assemblies the plan of reform it has agreed upon.

It shall be dissolved as soon as said plan has been dispatched thereto.

347. The duration of the assembly of revision may not, under any circumstances, exceed three months.

348. The members of the assembly of revision may not be investigated, accused, or tried at any time for what they have said or written in the performance of their duties.

Throughout the duration of said duties they may not be placed on trial, except by a decision of the members of the assembly of revision themselves.

349. The assembly of revision may not participate in any public ceremony; its members shall receive the same indemnity of the Legislative Body.

as members to perform, where it is

350. The assembly of revision shall have the right or to have performed, the policing of the commune located.

TITLE XIV

GENERAL PROVISIONS ⁵⁸

351. There shall be no superiority among citizens other than that of public functionaries, and that only in relation to the performance of their duties.

352. The law shall recognize neither religious vows nor any obligation contrary to the natural rights of man.

353. No one may be prevented from speaking, writing, printing, or publishing his ideas.

Writings may not be subjected to any censorship before their publication.

No one may be held responsible for what he has written or published, except in cases provided for by law.

354. No one may be prevented from performing the worship of his choice, so long as he complies with the laws.

No one may be forced to contribute to the expenses of a religion. The Republic does not pay for any.

355. There shall be neither privilege, nor mastership, nor warden-ship, nor limitation on the liberty of the press, of commerce, or of the practice of industry or arts of any kind.

When circumstances render such prohibitive laws necessary, they shall be essentially provisional, and shall be effective for one year only, unless formally renewed.

356. The law shall watch particularly over the professions which affect public morals and the security and health of citizens; but admission to the practice of such professions may not be made conditional upon any pecuniary payment.

357. The law shall provide for the compensation of inventors, or for the maintenance of the exclusive ownership of their discoveries or productions.

358. The Constitution guarantees the inviolability of all property,

83cf. Declaration of Rights, 1793 [document 90, *supra*]; Declaration of Rights, 1789 [document 17, *supra*]; Constitution of 1791, Title I [document 48, *supra*]. *or just indemnification for that of which legally established public necessity requires the sacrifice.*

359. The house of every citizen is an inviolable asylum; during the night no one shall have the right to enter therein except in case of fire, flood, or a call proceeding from inside the house.

During the day, orders of the constituted authorities may be executed therein.

No domiciliary visit may take place except by virtue of a law, and for the person or object expressly designated in the warrant ordering such visit.

360. Corporations and associations which are contrary to public order may not be formed.

361. No assembly of citizens may call itself a popular society.

362. No private society which concerns itself with political questions may correspond with another, or affiliate therewith, or hold public sessions composed of the members of the societies and of associates distinguished from one another, or impose conditions of admission and eligibility, or arrogate to itself rights of exclusion, or cause its members to wear any external insignia of their association.

363. Citizens may exercise their political rights only in the primary or communal assemblies.

364. All citizens shall be free to address petitions to the public authorities, but they must be individual ones; no association may present them collectively, except the constituted authorities, and only for matters within their competence.

The petitioners must never forget the respect due the constituted authorities.

365. Every armed gathering is an attack upon the Constitution; it shall be dispersed immediately by force.

366. Every unarmed gathering, likewise, shall be dispersed, at first by verbal command, and, if necessary, by the deployment of armed force.

367. Several constituted authorities may never unite for the purpose of deliberating together; no

instrument emanating from such a union may be executed.

368. No one may wear distinctive symbols indicative of duties formerly performed or services rendered.

369. The members of the Legislative Body, and all public functionaries, shall wear, in the performance of their duties, the costume or insignia of the authority with which they are invested; the form thereof shall be determined by law.

370. No citizen may renounce, in whole or in part, the indemnity or salary assigned to him by law because of public duties.

371. There shall be uniformity of weights and measures throughout the Republic.

372. The French era shall date from 22 September, 1792, the day of the establishment of the Republic.

373. The French nation declares that under no circumstances will it permit the return of Frenchmen who, having abandoned their *Patrie* since 15 July, 1789, are not included in the exceptions provided in the laws against *emigres*; and it forbids the Legislative Body to make new exceptions in such connection.

The property of *emigres* is irrevocably acquired for the benefit of the Republic.

374. The French nation likewise proclaims, as a guarantee of public faith, that after a legally consummated auction of national property, whatever

its origin, the lawful acquirer may not be dispossessed thereof; reserving to third claimants, if need be, indemnification by the National Treasury.

375. None of the powers instituted by the Constitution shall have the right to change it in its entirety, or in any of its parts, except for reforms which may be effected by way of revision in conformity with the provisions of Title XIII.

376. The citizens shall always remember that the duration, preservation, and prosperity of the Republic depend principally upon the wisdom of elections in the primary and electoral assemblies.

377. The French people entrust the present Constitution to the fidelity of the Legislative Body, the Executive Directory, the administrators, and the judges; to the vigilance of fathers of families, to wives and mothers, to the affection of young citizens, to the courage of all

Frenchmen.

V. CULTURAL TRENDS DURING THE THERMIDORIAN REACTION

As in the first two phases of the Convention, so during the Thermidorian Reaction legislation on cultural and social matters continued apace.⁵⁴ Attempts were made to complete the reorganization of the law codes; an establishment for

54 For pertinent references see Section 8 of Chapter Four, *supra*, note 86. deaf and dumb persons was instituted; war was waged on vandalism and serious

efforts were made to preserve works of art; the recently created national library was provided with an elaborate organization; and further work was done on the new system of weights and measures.⁵⁵

As Rambaud has pointed out, however, the great and enduring work of the Convention was in the field of education.⁵⁶ Whatever the shortcomings of individual efforts in this connection, the fact remains that it was impressive and suggestive, and much of it took form under the Thermidorians. To include even a listing of the educational decrees of this period would be a considerable task. Outstanding items were a Conservatory of Arts and Crafts (124), Normal Schools (125), Primary Schools (126), Central Schools (127), a Conservatory of Music (128), Schools of Public Services, i.e., public works (129), and a definitive decree on Public Education (130). The establishment of a School of Oriental Languages and a Bureau of Longitudes, the reorganization of the old School of Mines, and the creation of a National Institute at the summit of the entire educational structure are but a few of the other representative endeavors in this direction. And, although many of these creations were to disappear in the work of Bonaparte, their significance as indications of trends is none the less great.⁵⁷

124. Decree Establishing a Conservatory of Arts and Crafts

10 October, 1794 (19 Vendemiaire, Year 111)

SOURCE: **Duvergier**, v. 7, p. 294. See also: ***Moniteur***, 13 October, 1794 (22 Vendemiaire, Year III), Rep., v. 22, p. 209.

Designed to foster the development of applied science, especially in industry, this decree was the result of a report by Gregoire, who ranks as one of the leading educators of the period. The conservatory was to prove to be one of the most enduring of the Convention's creations.

*** * ***

1. A depository of machines, models, tools, designs, descriptions, and books on all kinds of arts and crafts shall be established at Paris, under the name of *Conservatory of Arts and Crafts*, and under the superintendence of the Commission on Agriculture and the Arts. The originals of instruments and machines invented or perfected shall be deposited in the Conservatory.

2. The construction and use of tools and machines which are useful to arts and crafts shall be explained.

⁵⁵ See document 119, *supra*.

Rambaud, v. 3, pp. 164-165. See also document 112, *supra*.

For references to educational development see document 73, *supra*; and concerning education and the Thermidorian Reaction in particular see Title X of the Constitution of the Year III [document 123, *supra*].

3. When it deems it useful to the Republic, the Commission on Agriculture and the Arts, under the authorization of the Committee with which it is connected, shall disseminate widely every means of

perfecting the arts and crafts, by the distribution of descriptions, designs, and even of models.

4. The Conservatory of Arts and Crafts shall be composed of three demonstrators and one designer.

5. The members of the Conservatory of Arts and Crafts shall be appointed by the National Convention, on the recommendation of the Committee on Agriculture and the Arts.

6. Each member shall receive an annual indemnity of 4,000 *livres*.

7. The expenses of said establishment shall be defrayed from funds placed at the disposal of the Commission on Agriculture and the Arts.

8. The members of the Conservatory shall present the Commission on Agriculture and the Arts with a plan for regulating the internal discipline and the opening of said establishment; such regulation shall be subject to the final approval of the Committee on Agriculture and the Arts.

9. The Commission on Agriculture and the Arts and the Committee on Public Instruction shall have an account of the discoveries which are recorded in the reports of the bureau of consultation of the arts of the *lycee* of the arts, in the manuscripts of the former Academy of Sciences, in the files of the former administration of commerce, and in the divers works affording useful materials for such purpose drafted as soon as possible and published.

10. The Committee on Agriculture and the Arts shall co-operate with the Committee on Finance in

determining the location of the Conservatory of Arts and Crafts.

/ 7. The Commission on Agriculture and the Arts is charged with taking the measures necessary for the execution of the present decree as soon as possible.

125. Decree Establishing Normal Schools

30 October, 1794 (9 Brumaire, Year 111)

SOURCE: Duvergier, v. 7, pp. 307-308 [lacks brief formal preamble]. See also:

***Moniteur*, 2 November, 1794 (12 Brumaire, Year III), Rep., v. 22, p. 389.**

One of the great weaknesses of previous educational legislation during the Revolution had been the inadequate provision for schools in which teachers might be trained. Now, in 1794, thanks chiefly to Lakanal, the matter was given attention, and the schools provided by the present decree were opened early in 1795. Unfortunately, designed as they were, rather for the instruction of college professors than for the production of schoolteachers, they lasted less than a year, and were not to be revived until 1808.

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1. A Normal School shall be established at Paris, to which citizens already trained in useful knowledge shall be summoned from all parts of the Republic to learn the art of teaching under the most capable professors in all fields.

2. The district administrations shall send to the Normal School a number of pupils in proportion to their population. The proportional basis shall be one for 20,000 inhabitants. In Paris the pupils shall be designated by the departmental administration.

3. The administrators may make their choice only from citizens combining pure morals, proven patriotism, and the propensities necessary for receiving and imparting instruction.

4. The pupils of the Normal School must be at least twenty-one years of age.

5. They shall come to Paris before the end of Frimaire next; for such journey, and throughout the duration of the normal course, they shall receive the stipend granted to pupils of the Central School of Public Works.

6. The Committee on Public Instruction shall designate those citizens whom it believes the most suited to perform the duties of teachers in the Normal School, and it shall submit the list thereof for the approval of the Convention. It shall establish their salary in co-operation with the Committee on Finance.

7. Said teachers shall give lessons to the pupils on the art of teaching morals and of moulding the hearts of young republicans in the practice of private and public virtues.

8. They shall teach them first to apply to the teaching of reading, writing, elementary arithmetic, practical geometry, history, and French grammar, the methods outlined in the elementary books adopted

by the National Convention and published by its orders.

9. The normal course shall be of at least four months' duration.

10. Two representatives of the people, designated by the National Convention, shall remain in the vicinity of the Normal School, and shall correspond with the Committee on Public Instruction concerning all matters of interest to this important establishment.

11. At the end of the course, the pupils trained in this republican school shall return to their respective districts; they shall open, in the three chief towns of the canton designated by the district administration, a Normal School designed to transmit to the men and women citizens, who wish to devote themselves to public instruction, the method of teaching they have learned in the Normal School at Paris.

12. Such new courses shall last for at least four months.

13. The departmental Normal Schools shall be under the surveillance of the constituted authorities.

14. The Committee on Public Instruction is charged with drafting a plan for said National Schools, and with determining the method of teaching which is to be followed therein.

15. Every *decade*, the Committee on Public Instruction shall render account to the National Convention of the state of affairs of the Normal School at Paris and of the subordinate Normal

Schools established, in execution of the present decree, throughout the entire extent of the Republic.

126. Decree relative to Primary Schools

17 November, 1794 (27 Brumaire, Year III)

SOURCE: DUVERGIER, v. 7, pp. 328-330. SEE ALSO: *Moniteur*, 17-19 November,

1794 (27-29 Brumaire, Year III), Rep., v. 22, pp. 509-529 *passim*. REFERENCE: DOCUMENT 130, *infra*.

In many respects one of the best educational proposals of the Revolution, this decree was based on a report by Daunou. Important features of the document are its nationalistic bias, the propagandist character of Chapter IV, and the emphasis placed on the three R's.

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CHAPTER I. Institution of Primary Schools

1. The primary schools shall have as their aim the provision, for children of both sexes, of the instruction necessary for free peoples.

2. The primary schools shall be distributed throughout the territory of the Republic in proportion to population; accordingly, there shall be one primary school for every 1,000 inhabitants.

3. In places where the population is too scattered, a second primary school may be established, on the

motivated request of the district administration, and following a decree of the National Assembly.

4. In places where the population is congested, a second school may be established only when the population increases to 2,000, a third for 3,000, and so on.

5. In all communes of the Republic, the former parsonages which have not been sold for the benefit of the Republic shall be placed at the disposal of the municipalities, in order to serve both as a lodging for the teacher and as a school building; accordingly, all existing leases are cancelled.

6. In communes where there are no longer any former parsonages at the disposal of the nation, an appropriate site for the primary school shall be granted on the request of the district administrations.

7. Each primary school shall be divided into two sections, one for boys and one for girls; accordingly, there shall be one man teacher and one woman teacher.

CHAPTER II. Jury of Instruction

1. The teachers shall be chosen by the people; nevertheless, throughout the duration of the Revolutionary Government, they shall be examined, selected, and supervised by a *jury of instruction*, composed of three members designated by the district administration, and chosen from among the fathers of families of the district.

2. The jury of instruction shall be renewed by one-third every six

II

The outgoing commissioner may be re-elected.

CHAPTER III. Teachers

1. Appointments of teachers selected by the jury of instruction shall be submitted to the district administration.

2. If the administration refuses to accept the appointment made by the jury, the jury may make another choice.

3. When the jury persists in its appointment and the administration in its refusal, the latter shall designate for the vacant position the person whom it believes to merit the preference; the two choices shall be sent to the Committee on Public Instruction, which shall pronounce definitively between the administration and the jury.

4. Complaints against teachers shall be made directly to the jury of instruction.

5. When the complaint is a serious one, and after the accused has been heard, if the jury deems that there is ground for dismissal, its decision shall be referred to the general council of the district administration for confirmation.

6. If the decision of the general council is at variance with the opinion of the jury, the matter

shall be referred to the Committee on Public Instruction, which shall pronounce definitively.

7. The teachers in primary schools shall be required to teach their pupils by means of the elementary books written and published by order of the National Convention.

8. They may not receive at their houses as boarders, or give special lessons to, any of their pupils: the teacher owes his entire self to all.

9. The nation shall grant to citizens who have rendered long service to their country in the profession of teaching a pension to provide for their old age.

10. The salary of teachers shall be uniform throughout the Republic; it is established at 1,200 *livres* for men, and 1,000 *livres* for women. Nevertheless, in communes where the population is in excess of 20,000 inhabitants, the pay of men teachers shall be 1,500 *livres*, and that of women 1,200 *livres*.

CHAPTER IV. Instruction in and Regulation of

Primary Schools

1. Pupils shall not be admitted to primary schools before the age of fully *six* years.

2. In both sections of each school the pupils shall be taught: 1st, reading and writing, and the reading selections shall make them conscious of their rights and duties; 2nd, The *Declaration of the Rights of Man and Citizen*, and the Constitution of the French

Republic; 3rd, elementary instruction in republican morality; 4th, the elements of the French language, both spoken and written; 5th, the rules of simple calculation and land measurement; 6th, the elements of geography and of the history of free peoples; 7th, instruction concerning the major natural phenomena and the most common natural resources. They shall be taught the miscellany of heroic deeds and triumphal songs.

3. Teaching shall be done in the French language; the local idiom may be used only as an auxiliary device.

4. The pupils shall be instructed in those exercises most suitable for maintaining their health and for developing strength and agility of body; accordingly, the boys shall take military exercises, under an officer of the National Guard appointed by the jury of instruction.

5. If circumstances permit, they shall be trained in swimming. This exercise shall be directed and supervised by citizens appointed by the jury of instruction, on the recommendation of the respective municipalities.

6. Instructions shall be published to determine the nature and distribution of other gymnastic exercises suitable for producing strength and agility of body, such as running, wrestling, etc.

7. The pupils of the primary schools shall visit the nearest almshouses several times a year, with their teachers and under the guidance of a magistrate of the people.

8. On the same days they shall aid the old people and the relatives of defenders of the *Patrie* in their work in both house and field.

9. Occasionally they shall be taken to factories and shops, where ' merchandise for common use is manufactured, so that they will have some idea of the benefits of human industry and will acquire a taste for the useful arts.

10. A part of the time destined for the schools shall be devoted to useful and common handicrafts of different sorts.

11. An instruction to facilitate the execution of the two preceding articles shall be published, so as to render the visiting of shops and the handicrafts really useful to the pupils.

12. Prizes of encouragement shall be distributed annually to the pupils, in public, at the Festival of Youth.

13. The Committee on Public Instruction is responsible for publishing, without delay, regulations on the administration and the internal discipline of the primary schools.

14. Young citizens who have not attended said schools shall be examined, in public, at the Festival of Youth; and if it is apparent that they do not possess the knowledge necessary for French citizens, until they have acquired same, they shall be barred from all public functions.

15. The law may not infringe the right of citizens to open free and private schools, under the supervision

of the constituted authorities.

16. The National Convention revokes every provision contrary to the present law.

[1](#)

Cf. Constitution of 1793, arts. 101-106 [document 95, 1791, Title V [document 48, *supra*].

127. Decree Establishing Central Schools of Sciences,

Letters, and Arts

25 February, 1795 (7 Ventose, Year 111)

SOURCE: **Duvergier, v. 8, pp. 29-30. See also: *Moniteur*, 28 February. 1795 (10 Ventose, Year III), Rep. v. 23, p. 558.**

Suggested as early as 1792, these central schools were established in 1795 to take the place of the former *colleges*. Of the 105 schools planned, 86 had been created by 1799 a somewhat remarkable achievement in view of the difficulties involved. The schools lacked adequate organization, however, and soon fell into disrepute. They disappeared entirely in Napoleon's reorganized scheme of secondary education.

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CHAPTER I. Establishment of Central Schools

1. For education in the sciences, letters, and arts, central schools, distributed on the basis of population, shall be established throughout the entire extent of the Republic; the proportional basis shall be one school for 300,000 inhabitants.

2. Every central school shall be composed of: 1st, a professor of mathematics; 2nd, a professor of experimental physics and chemistry; 3rd, a professor of natural history; 4th, a professor of agriculture and commerce; 5th, a professor of scientific method

or logic and of the analysis of sensations and ideas; 6th, a professor of political economy and legislation; 7th, a professor of the philosophic history of peoples; 8th, a professor of hygiene; 9th, a professor of arts and crafts; 10th, a professor of general grammar; 11th, a professor of *belles-lettres*, 12th, a professor of ancient languages; 13th, a professor of the living languages most appropriate to the localities; 14th, a professor of the arts of design.

3. In all central schools the professors shall give their lessons in French.

4. They shall have a monthly public conference on matters affecting the progress of the sciences, letters, and arts which are most useful to society.

5. In the immediate vicinity of every central school there shall be: 1st, a public library; 2nd, a garden and a museum of natural history; 3rd, a bureau of experimental physics; 4th, a collection of machines and models for the arts and crafts.

6. The Committee on Public Instruction remains responsible for effecting the composition of elementary books to serve for instruction in the central schools.

7. The distribution of said schools shall be established by special decree.

CHAPTER II. Central Jury of Instruction. Professors

1 The professors in the central schools shall be examined, selected, and supervised by a central jury

of instruction, composed of three members appointed by the Committee on Public Instruction.

2. The central jury shall be renewed by one-third every six months; the retiring commissioner may be re-elected.

3. Nominations of professors shall be subject to the approval of the departmental administration.

4. If the administration refuses to confirm the nomination made by the central jury, it may make another choice.

5. When the central jury persists in its nomination, and the administration in its refusal, the latter shall designate for the vacancy the citizen whom it believes worthy of preference; the two choices shall be sent to the Committee on Public Instruction, which shall pronounce definitively between the administration and the central jury.

6. Complaints against professors shall be taken directly to the central jury of public instruction.

7. When the complaint is a serious one, and after the accused has been heard, if the jury deems it advisable to discharge him, its decision shall be referred to the departmental administration for confirmation.

8. If the decision of the departmental administration is not in conformity with the opinion of the central jury, the matter shall be referred to the Committee on Public Instruction, which shall pronounce definitively.

9. The stipend of every professor in the central schools is established provisionally at 3,000 *livres*.

In communes of more than 15,000 inhabitants such stipend shall be

4,000 *livres*.

In communes of more than 60,000 inhabitants it shall be 5,000 *livres*.

10. A sum of 6,000 *livres* shall be allotted annually to each and every central school to defray the cost of experiments, the salary of employees in the library and the museum of natural history, and for all necessary expenses of the establishment.

11. The Committee on Public Instruction is responsible for determining regulations for the management and internal discipline of the central schools.

CHAPTER III. Pupils of the *Patrie*. Prizes

• __ #

1. The pupils who are most distinguished in the *Festival of Youth*, and particularly those who have obtained the votes of the people, shall receive, if they are of limited means, an annual pension to provide them with the opportunity of attending the central schools.

2. Prizes shall be distributed annually, in the presence of the people, at the *Festival of Youth*.

The teacher of the pupils who have won the prizes shall receive a civic crown.

3. In consequence of the present law, all former establishments devoted to public instruction under the name of *colleges* and maintained by the nation, are and shall remain suppressed throughout the entire extent of the Republic.

4. The Committee on Public Instruction shall make a report concerning the memorials and establishments already devoted to public education in the sciences and arts, such as botanical gardens, museums of natural history, fields intended for experiments in cultivation, observations, and societies of scholars and artists which it might be advisable to preserve in the new plan of national instruction.

128. Decree Establishing a Conservatory of Music

3 August, 1795 (16 Thermidor, Year 111)

SOURCE: Duvergier, v. 8, pp. 207-208 [lacks brief formal preamble]. See also:

Moniteur, **8 August, 1795 (21 Thermidor, Year III), Rep., v. 25, pp. 405-406.**

The Conservatory of Music was created primarily to provide a republican propagandist agency for the training of musicians to sing the new republican songs and to play them in military bands. It was only later that it assumed a broader educational function. In any case, however, it was of great significance, for France had not heretofore possessed any comparable institution.

The section on personnel at the end of the document contains several unfamiliar terms: the *serpent* was a wooden wind instrument, bent in a double curve; *tuba curva* refers to a brass wind instrument; *chant simple* and *chant dec lame* are doubtless used to differentiate between simple singing and the more declamatory *recitative* form.⁵⁸

1. The Conservatory of Music, created under the name of National Institute by the decree of 18 Brumaire, Year II of the Republic,⁵® is established in the commune of Paris for the performance and teaching of music.

It shall be composed of 115 artists.

⁵⁸ In finding the answers to these questions I was fortunate in having the gracious assistance of Dr. Putnam Aldrich, formerly of Western Reserve University, and now of Mills College. . . ,

⁵⁰ 8 November, 1793 [Duvergier, v. 6, p. 279—citation only].

2. With regard to performance, it shall be used in celebrating national festivals; with regard to teaching, it shall be responsible for training pupils in all branches of musical art.

3. Six hundred pupils of both sexes shall receive free instruction in the Conservatory. They shall be chosen proportionately in all the departments.

4. Surveillance of all branches of instruction in said Conservatory, and of performance in the national

festivals, shall be entrusted to five inspectors of instruction chosen from among composers.

5. The five inspectors of instruction shall be appointed by the National Institute of Arts and Sciences.

6. Four professors, chosen without discrimination from among the artists of the Conservatory, shall constitute the administration thereof, conjointly with the five inspectors of instruction.

Said four professors shall be appointed and renewed annually by the artists of the Conservatory.

7. The administration shall be responsible for the internal regulation of the Conservatory, and for supervising the execution of decrees of the Legislative Body or orders of the constituted authorities relative to said establishment.

8. Artists necessary to complete the Conservatory may be appointed by competitive examination only.

9. The examination shall be judged by the National Institute of Arts and Sciences.

10. A national library of music is constituted in the Conservatory; it shall be composed of a complete collection of scores and works dealing with that art, of antique or foreign instruments, and of those useful ones which, because of their perfection, may serve as models.

11. Said library shall be public, and shall be open at times determined by the National Institute of Arts and Sciences, which appoints the librarian.

12. The stipend of each inspector of instruction is established at

5,000 *livres* per annum; that of the secretary at 4,000 *livres*; that of the librarian at 3,000 *livres*.

Three classes of stipends are established for the other artists.

Twenty-eight positions at 2,500 *livres* shall constitute the first class; fifty-four positions at 2,000 *livres* shall constitute the second class; and twenty-eight positions at 1,600 *livres* shall constitute the third class.

13. The expenses of administration and maintenance of the Conservatory shall be regulated and ordered by the executive power, according to statements furnished by the administration of the Conservatory; such expenses shall be defrayed by the public treasury.

14. After twenty years of service, members of the Central Conservatory of Music shall have one-half of their stipend as a pension; after which time, each year of service shall augment said pension by one-twentieth of the said stipend.

15. The Conservatory shall furnish daily a body of musicians for the service of the National Guard in the neighborhood of the Legislative Body.

PERSONNEL

Instruction:

Professors: Sol-fa, fourteen; clarinet, nineteen; flute, six; oboe, four; bassoon, twelve; first horn, six; second horn, six; trumpet, two; trombone, one; serpent, four; bass trombone, one; tuba curva, one; tympani, one; violin, eight; bass, four; contrabass, one; harpsichord, six; organ, one; vocalization, three; *chant simple*, four; *chant declame*, two; accompaniment, three; composition, seven. Total, 115.

Performance:

Director-composers, five; concert master, one; clarinet, thirty; flute, ten; first horn, six; second horn, six; bassoon, eighteen; serpent, eight; trombone, three; trumpet, four; tuba curva, two; bass trombone, two; tympani, two; cymbals, two; Turkish drum, two; triangle, two; bass drum, two; nonperformers employed in directing pupils in singing or performing at public festivals, ten. Total, 115.

129. Decree concerning Schools of Public Services

***22 October, 1795 (30 Vendemiaire, Year IV)* SOURCE: Duvergier, v. 8, pp. 338-343.**

This document represents the revival and extension of work begun under the Constituent Assembly. In a sense it is an *organic* decree. The expression *nieur des ponts et chaussees* is a French idiom meaning simply *civil engineer*, but in the present decree idiomatic exactness was frequently sacrificed in order to maintain continuity in the translation.

TITLE I

GENERAL PROVISIONS

1. Apart from the general organization of education, the Republic shall maintain schools relating to the various professions which are dedicated exclusively to public service and which require special

knowledge in the arts and sciences.

2. Such schools shall be known under the following names:

Polytechnic School, Artillery Schools, Schools of Military Engineering, School of Roads and Bridges, School of Mines, School of Geographers, School of Naval Engineers, Schools of Navigation, Marine

Schools.

3. No one may be admitted to any of said schools without proof that he has received the preliminary instruction required for the competitive examinations, according to the method provided for each of them.

4. Students in the schools of public services shall be paid by the State.

5. Schools now existing for the public services mentioned in the present decree shall henceforth take the names, listed in article 2, which are suited to their type respectively.

Whatever pertains to their number and their own administration shall be determined by the following

titles, or by simple rulings of the executive power, according to the nature of the matters involved.

6. Schools indicated in article 2, but not yet in existence, shall be established as promptly as possible.

7. The schools of public services shall be maintained by funds at the disposal of the respective ministers who are to supervise them. As soon as possible, the ministers shall propose to the Legislative Body the annual sum suitable to be applied to each of them.

8. Citizens who have manifested antirepublican opinions or conduct shall be excluded from the schools of public services.

TITLE II

POLYTECHNIC SCHOOL

1. The Polytechnic School shall be under the authority of the Minister of the Interior.

Said school is intended to prepare students for the service of the artillery, military engineering, bridges, roads, and civil constructions, mines, ship and sea-vessel construction, and topography, and at the same time for the free practice of professions which require a knowledge of mathematics and physics.

2. The number of students in attendance shall be limited to 360.

3. The conditions and method of examination for admission to such schools shall be in accordance with the provisions of the law of 15 Fructidor, Year III.⁶⁰

4. The complete course of studies of the Polytechnic School shall be three years, in conformity with its present organization.

5. At the end of each year the students shall be given an examination to determine their instruction, their capacity, and the work that they have done, in conformity with the provisions of article 8 of the law of 15 Fructidor, Year III.⁶¹

6. Those who fulfill the requirements shall pass to the work of the second and third years, and shall start with either one, according to the particular profession for which they are preparing, or according to the regulations of the authority directing the school.

7. Students who prepare themselves to serve their *Patrie*, either in the artillery, roads and bridges, military engineering or mines, may present themselves, after their second year of study at the Polytechnic School, for the competitive examinations which will be held at Paris for such various services.

8. They shall be examined in the elements of mathematics, including mechanics, and in the other work which they have done at school; the best informed and most capable shall be admitted to each part in proportion to the places vacant during the year, in accordance with the regulations of the

Ministers of War and the Interior in whatever concerns them respectively.

9. The students thus accepted shall go to the applied schools, or shall immediately perform the duties which they are assigned, in accordance with the regulations of each type of service, and they shall obtain the appointments connected therewith.

Students who are not accepted may spend a third year at the Polytechnic School, and at the end thereof may present themselves again for the examination.

10. Those accepted for military engineering and for roads and bridges shall complete the third year of study at the Polytechnic School

⁰⁰ Law on examination procedure, 1 September, 1795 [Duvergier, v. 8, p. 254.]

' Ibid. before entering the applied school of their choice; their salary during said third year shall be increased by 300 francs.

11. After their first year of study at the Polytechnic School students who wish to be either naval or geographical engineers shall present themselves for the examination which will be held at Paris for admission to the applied schools of said two types; the best informed shall be accepted thereat in the same number as there are places to be filled; the others may continue their studies at the Polytechnic School in order to take the examination again at the prescribed time.

12. Mining students, as well as naval engineering school students, may, even if they are connected with their particular schools in Paris, take the instruction in physics and chemistry offered in the Polytechnic School, and may work in the laboratories of said school.

13. Finally, those who intend to serve the Republic in ways other than those stated in the preceding articles shall have the privilege of completing the entire course of study at the Polytechnic School, or of leaving it at their will after the first, second, or third year, complying, however, with all the regulations of the school.

14. Under no circumstances may a student remain at the Polytechnic School as a student for more than four years.

15. The Minister of the Interior shall announce annually, in advance, the number of students who are to be admitted to the Polytechnic School, in accordance with the number of places which are to become vacant.

. He shall rule, moreover, on everything concerning the internal management of the school, and shall see that the instruction and work are the most suitable for achieving the purpose intended in said institution, always in conformity with what is prescribed therefor by the Executive Directory.

16. Henceforth, only young men who have passed through the Polytechnic School and have fulfilled all the prescribed requirements may be admitted to the special schools of military engineering, roads and

bridges, mining, and geographers, as well as artillery and naval engineering.

Nevertheless, until there are enough students who have satisfied said requirements, the Executive Directory shall maintain such divers services with students chosen according to the former method, or taken from the Polytechnic School; for which purpose, it may take into said school those whose services it considers useful to the *Patrie*, according to circumstances.

TITLE III

ARTILLERY SCHOOLS

1. The school for artillery students established at Chalons-sur-Marne shall remain in active service until peace has been established. The regulations issued for said school by the Committee of Public Safety on 25 Floreal⁶² shall be observed until the cessation of said same school.

2. At the peace and on the discontinuance of the Chalons school, students who intend to enter the artillery shall spend at least two years of study at the Polytechnic School; then they shall be admitted to one of the schools of the regiments created by the law of 8 Floreal, Year III,⁰³ but only after an examination to determine their training and qualifications.

3. The eight Artillery Schools, placed near the regiments of that service, shall be established and maintained by the Minister of War, so that students who have been sent there as officers, after taking

the examination mentioned in the preceding article, may there apply their knowledge to the arts, construction of works, and war maneuvers pertaining to artillery. The study of elementary mathematics, which constituted a part thereof, shall be discontinued and completed before the examination necessary for entrance to said schools.

TITLE IV

SCHOOL OF MILITARY ENGINEERING

1. The School of Military Engineering, united with the School of Mines, shall be established at Metz in the former Saint-Amould Abbey, and put into operation as promptly as possible.

2. The number of students may not exceed twenty.

They shall have the rank of sublieutenant, and the pay of same.

3. Only young men who have had three years of study at the Polytechnic School, and who have proved their learning in the examinations which they have undergone for such purpose, shall be admitted to the school at Metz.

4. The examination for admission to the school at Metz shall take place annually at Paris in the month of Frimaire.

02 i.e., 14 May, 1795.

03 i.e., 27 April, 1795.

Students who are accepted shall have the choice of going immediately to Metz, or of being on leave until the following Germinal.

5. In any case, they shall be required to repair to the school at said time, which will be at the time of the beginning of work.

6. Such work shall consist of the application of the theoretical knowledge which the students have acquired at the Polytechnic School; the principal object thereof shall be the construction of all kinds of fortification works, mines and countermines, simulated sieges, attacks, and defences, the making of plans and military reconnaissance, and, finally, all details of the service of engineers in fortresses and in the army.

7. Such study shall continue for at least one year; after which time, students who have sufficient knowledge may be sent to garrisons or employed in divers matters of service until they can be included in the engineering corps to fill vacancies.

8. The Minister of War shall determine, with the approval of the Executive Directory, the number of students who are to be admitted annually to the school at Metz, or to be sent out therefrom.

He shall organize said school to fulfill the aim of its establishment.

9. Officers admitted since 1792 to serve in the capacity of military engineers shall be required, in order to,continue their service, to establish proof of qualification, morality, and training, in the examinations which they shall undergo before an

examiner for the theoretical part, and two superior engineering officers. Such examinations shall begin during the course of Brumaire next.

10. The executive power shall give those who are not deemed to possess .the necessary knowledge, suitable opportunities, for one year, to acquire the instruction which they lack; at the end of which time, those who have not passed the examination shall no longer be permitted to perform the duties of an engineering officer.

TITLE v

SCHOOL OF ROADS AND BRIDGES

1. The present School of Roads and Bridges, created in 1747 and re-established in conformity with the law of 31 December, 1790-19 January, 1791,⁶⁴ shall be continued as a practical school.

“L. Cree?? and bridges [Duvergier’ v 2 pp. 139-141]. The text mistakenly cites this as 13 December.

2. The depository of plans and models pertaining to works on roads, canals, and maritime ports shall continue to be connected with said school.

3. There shall be thirty-six students, who shall serve to replace both the engineers known under the name of engineers of roads and bridges, and those in the large ports who were called marine engineers for civil ships.

4. Said students shall be taken from the Polytechnic School, in conformity with the provisions of the title pertaining to said school, and they shall

continue to receive the pay which they received there.

5. The instruction given in the School of Roads and Bridges shall have as its object principally: 1st, application of the principles of physics and mathematics to the art of planning and constructing works pertaining to roads, canals, and maritime ports, and the buildings pertaining thereto; 2nd, methods of practice and application; 3rd, the forms established for drawing up specifications and estimated details of the works to be accomplished, and the method to be used in accounting.

Whereas the present location of the School of Roads and Bridges is not national, the Minister of the Interior is charged with finding a more suitable site for it, and with providing for the organization of such establishment.

TITLE VI

SCHOOL OF MINES

1. The bureau of mines now existing shall be known henceforth as the *Council of Mines*, and shall be under the authority of the Minister of the Interior.

Said council shall give the Minister motivated opinions on all matters dealing with the mines of the Republic.

The provisions of the orders of the Committee of Public Safety of 13 and 18 Messidor, Year II, pertaining to the council and the inspectors, engineers, and students of mines⁰⁵ shall continue to

be enforced in so far as they are not contrary to the present decree.

2. A practical school shall be established for the exploitation and processing of mineral substances.

05; e 1 and 6 July, 1794; see Aulard, ed., *Recueil des actes du Comité de Salut public* ". . . , v. 14, pp. 630-631, 750-753 [full citation at end of Ch. Five, *supra*].

The Minister of the Interior is responsible for placing the said school near a mine belonging to the Republic and already in operation, the exploitation whereof may be begun and continued advantageously.

3. The number of students of mining shall be twenty.

The present students shall be reduced to said number by a competition, which shall take place before the month of Nivose; said competition shall take the form of an examination, which the Council of Mines shall have held by inspectors on all the theoretical and practical knowledge necessary for the exploitation of mines.

4. At least ten of the students shall be assigned to the practical school to take the instruction given there for one year, or longer if necessary; the other students shall be assigned to each of the inspectors respectively, to accompany them on their tours, and to return to Paris with them when said inspectors assemble in the neighborhood of the Council of Mines.

The Council may always keep two of the students to employ them in work which it deems most useful.

5. Two students, chosen annually at the competition from among those who have spent at least one year at the practical school and have traveled at least another year with an inspector, shall be accepted as supernumerary engineers; their salary in such capacity shall be increased by 500 francs per year.

6. The supernumeraries shall be employed as are the engineers, shall take their place when necessary, and shall be promoted on the basis of seniority to positions which become vacant.

7. The number of students of mining shall be completed, each year, by candidates taken from the Polytechnic School, in conformity with the provision of the title pertaining to said school.

For the next two years only, the students discharged *[reformes]* as a result of the present decree shall be permitted to compete with students of the Polytechnic School to fill positions vacant among the students of mining.

8. Two professors shall be attached to the practical school of mining, one with a knowledge of the work of exploitation, the other with a knowledge of docimasy and metallurgy; and they shall be aided in their duties by two mining engineers.

P. In addition to the students of mining, ten day scholars of from fifteen to twenty years of age, who have proved their ability and good conduct, shall be admitted to the practical school; such day scholars

shall take the instruction of the school at their own expense, and shall be replaced annually.

10. For the first year only, however, the students discharged [*reformes*] as a result of the competition prescribed by article 3 of the present title may continue their study at the practical school, and shall retain their salary therein. ’

Said students then shall take the place of the day scholars mentioned in the preceding article; and if there be fewer than ten, such number may be completed by unpaid day scholars.

11. Connected with the custody of the collections established at Paris, near the Council of Mines, there shall be: 1st, a custodian of mineralogical objects; 2nd, a custodian of chemical products, also responsible for experiments; 3rd, a librarian versed in foreign languages.

TITLE VII

SCHOOL OF GEOGRAPHERS

1. A school shall be established, ordinarily composed of twenty students, who shall be instructed and trained in geographical and topographical operations, in calculations pertaining thereto, and in cartography.

2. Said students shall spend at least one year of primary study at the Polytechnic School, and when they leave, they shall take an examination to enter the School of Geographers.

3. In general, said examination shall have pure and applied mathematics as its purpose; but it shall bear principally on geometric astronomy, the two trigonometries, and cartography.

4. The instruction of the students at the School of Geographers shall be divided into two parts, one of which shall consist of ground operations, and the other of office work.

5. The ground operations shall be of three types: 1st, plotting *[figure]* terrain; 2nd, geometric measurements, either of elevation or on the level; 3rd, astronomical observations.

6. The office work shall have two purposes, to wit: 1st, geographical operations pertaining to the reduction and drawing of maps; 2nd, trigonometrical calculations and mensuration.

7. The annual stipend of students at the School of Geographers shall be the same as that which they received at the Polytechnic

School.

8. There shall be two professors at the School of Geographers, one for the geometrical part, the other for drafting. The director of the register of the land survey shall be attached to said school and, with the professors, shall constitute the council thereof.

9. The director of the register of the land survey, and the divers administrations who need geographers, shall present their requests annually to the Minister of the Interior. The places to be filled

shall be given to the best informed students, who shall then take the title of *geographical engineers*.

10. In order to stimulate the work of the register of the land survey, and to be able to apply talented men thereto as promptly as possible, the number of students shall be increased provisionally to fifty at first, with one more professor of drafting; such increase shall be maintained as long as it is required by the needs of the register of the land survey.

11. The Minister of the Interior is responsible for providing for the site and organization of said school.

TITLE VIII

SCHOOL OF NAVAL ENGINEERS

1. The School of Naval Architects, now at Paris, shall be continued under the name of *School of Naval Engineers*.

2. After the present year, only young men who have spent at least one year of study at the Polytechnic School shall be admitted to said school.

3. The choice among said students shall be made annually by a competitive examination on descriptive geometry, mechanics, and the other aspects of work assigned to the first year of study at the Polytechnic School.

4. The stipend of students admitted to the School of Naval Engineers shall be 1,500 francs per year.

5. Additional instruction given at the School of Naval Engineers, and the management thereof, shall continue to be conducted as heretofore.

Likewise, there shall be no innovation in respect to the number of students.

The five students of merchant-ship construction who were attached thereto shall likewise be accepted each year on the same conditions; they shall have the privilege of receiving both the instruction of the first year given at the Polytechnic School and the instruction of the special School of Naval Engineers.

TITLE IX

SCHOOL OF NAVIGATION

1. The Schools of Mathematics and Hydrography for the navy of the State, and the Schools of Hydrography for the merchant marine, shall be known henceforth as *Schools of Navigation*.

2. The provisions of the law of 30 July-10 August 1791 concerning said schools shall be maintained.⁶⁶

3. Two new schools of commercial navigation shall be established, one at Morlaix, the other at Arles.

The Minister of the Navy is charged with establishing them as promptly as possible, in conformity with other schools of the same type.

TITLE X

NAVAL SCHOOL

1. Candidates for the navy shall be accepted at a competition where they shall be examined on arithmetic, algebra, geometry, statics, and navigation.

Moreover, Title II of the law of 30 July-10 August 1791 relative to such examination shall be observed.⁶⁷

2. Candidates who are accepted shall repair to the ports designated by the Minister of the Navy.

3. Schools for candidates for the navy shall be established at the ports of Brest, Toulon, and Rochefort.

4. A corvette shall be armed annually in each of said ports for the sole purpose of serving to train candidates for the navy, and they shall be embarked thereon immediately after their arrival in port.

5. Said corvette shall frequently set sail and make trips along the coast; it shall be disarmed and rearmed; finally, everything shall be done to give the candidates the most complete instruction in rigging, piloting, and gunnery. Candidates shall take examinations on said subjects.

6. After six months of embarkation on the training corvette, the candidates shall return to the port and shall study at the different navy workshops, where selected teachers will explain to them the details of the construction which is being done.

⁶⁰ Decree on schools of navigation [Duvergier, v. 3, pp. 169-172].

°7 *Ibid.*

7. A few months after their disembarkation, a new corvette, or a frigate, commanded by qualified officers, shall be armed in each port, and the candidates shall be embarked thereon in order to make a lengthy voyage, which shall last about one year.

8. During such time, the candidates shall be drilled in the maneuvers and observations most useful for their training and for the advancement of navigation. .

They shall keep logs and journals of the voyage; and, in calm waters, the officers shall have them command the ship's movements.

9. Candidates for the navy who have not been accepted at the competition as provided by Title II of the law of 30 July—10 August, 1791,⁶⁸ shall be required to fulfill the requirements of such competition before boarding the training corvettes.

10. The Minister of the Navy is responsible for establishing the training corvettes as soon as possible, and for sending the present candidates there successively, beginning with the eldest.

11. Henceforth, in order to be accepted as a maintained ensign, it shall be necessary to have served on the two training corvettes, and, moreover, to satisfy all the other conditions now required to achieve such rank.

130. Decree concerning the Organization of Public Education

25 October, 1795 (3 Brumaire, Year IV)

SOURCE: **Duvergier, v. 8, pp. 357-360. See also: *Moniteur*, 2 November, 1795 (11 Brumaire, Year IV), Rep., v. 26, pp. 323-326.**

The educational work of the Convention ended with this decree. It was one of the few permanent contributions of the period to elementary education. In its renunciation of many of the extreme republican principles contained in previous educational legislation, it represented a triumph of the conservative middle class. Its contents should be compared with those of documents 126 and 127, *supra*.

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TITLE I

PRIMARY SCHOOLS

1. In each and every canton of the Republic one or more primary schools shall be established, the *arrondissements* of which shall be determined by the departmental administrations.

⁶⁸ See note 66, *supra*.

2. In each and every department several juries of instruction shall be established; such juries shall not exceed six in number, and each one shall be composed of three members selected by the departmental administration.

3. Primary teachers shall be examined by one of the juries of instruction, and upon the

**recommendation of the. municipal administrations;
they shall be selected by the departmental
administrations.**

**4. They may be dismissed only by the concurrence
of said same administrations, on the advice of a jury
of instruction, and after having been heard.**

**5. In every primary school, reading, writing,
arithmetic, and the elements of republican morality
shall be taught.**

**6. Each and every primary teacher shall be
furnished, by the Republic, with premises which are
to serve both as a lodging and as a school.**

**Each teacher likewise shall be provided with the
garden adjoining such premises.**

**When the departmental administrations deem it
advisable, the teacher shall be granted an annual
stipend in lieu of such lodging and garden.**

**7. Said teachers, as well as professors in the
central and special schools, may hold several
stipends and pensions.**

**8. Primary teachers shall receive from each of
their pupils an annual contribution which is to be
determined by the departmental administration.**

**9. The municipal administration may exempt one-
quarter of the pupils of each primary school from
such contribution because of indigence.**

**10. Regulations relative to the management of
primary schools shall be decreed by the**

departmental administrations, and shall be submitted for the approval of the Executive Directory.

11. The municipal administrations shall supervise primary schools directly, and shall maintain therein the execution of the laws and decrees of superior administrations.

TITLE II

¹ CENTRAL SCHOOLS

1. A central school shall be established in each and every depart ment of the Republic.

2. Instruction therein shall be divided into three sections.

In the first section there shall be: 1st, a professor of design; 2nd, a professor of natural history; 3rd, a professor of ancient languages, 4th, a professor of living languages, when the departmental administrations deem it advisable, and when they have obtained the authorization of the Legislative Body therefor.

In the second section there shall be: 1st, a professor of the elements of mathematics; 2nd, a professor of experimental physics and chemistry.

In the third section there shall be: 1 st, a professor of general grammar; 2nd, a professor of *belles-lettres*', 3rd, a professor of history; 4th, a professor of legislation.

3. Pupils shall be admitted to courses of the first section only after the age of twelve years;

To courses of the second, only at the age of fully fourteen years;

To courses of the third, only at the age of at least sixteen years.

4. Each central school shall have a public library, a garden and a natural history collection, and a division of experimental chemistry and physics.

5. Professors in the central schools shall be examined and elected by a jury of instruction.

Elections made by the jury shall be subject to the approval of the administration.

6. Professors in the central schools may be dismissed only by order of said same administration, on the advice of the jury of instruction, and after having been heard.

The order of dismissal shall be effective only after having been confirmed by the Executive Directory.

7. The fixed annual salary of each professor is the same as that of a departmental administrator.

Moreover, there shall be distributed among the professors the proceeds of an annual compensation, which shall be determined by the departmental administration, but which may not exceed twenty-five *livres* per pupil.

8. The departmental administration may, however, exempt one-fourth of the pupils of each section from such fee because of indigence.

9. Other regulations relative to central schools shall be decreed by the departmental administrations and confirmed by the Executive Directory.

10. Communes which had educational institutions known as *colleges*, and in which no central school is situated, may retain the places which were intended for such *colleges*, in order to organize supplementary central schools therein at their own expense.

***U-* On the request of the citizens of said communes, and according to the plans proposed by their municipal administrations and approved by the departmental administrators, the organization of the supplementary central schools and the methods of taxation necessary for their maintenance shall be decreed by the Legislative Body.**

12. The organization of the supplementary central schools shall resemble, so far as the localities permit, the common plan of the Central Schools established by the present law.

TITLE III

SPECIAL SCHOOLS

1. There shall be, in the Republic, schools especially devoted to the study of:

1st, astronomy; 2nd, geometry and mechanics; 3rd, natural history; 4th, medicine; 5th, veterinary medicine; 6th, rural economy; 7th, antiquities; 8th, political science; 9th, painting, sculpture, and architecture; 10th, music.

2. Moreover, there shall be schools for deaf mutes and for those born blind.

3. The number and organization of each of said schools shall be established by separate laws, on the advice of the Committee on Public Instruction.

4. The schools mentioned in article 1 of the present title do not include the Schools of Artillery, Military and Civil Engineering, the Navy, and other public services, which shall be maintained as they are at present, or established by separate decrees.

TITLE IV

NATIONAL INSTITUTE OF ARTS AND SCIENCES

1. The National Institute of Arts and Sciences belongs to the entire Republic; it is established at Paris; it shall be devoted: 1st, to perfecting the arts and sciences through continual researches, the publication of discoveries, and correspondence with foreign learned societies, 2nd, to pursuing, in conformity with the laws and decrees of the Executive Directory, scientific and literary works designed for general usefulness and the glory of the Republic.

2. It shall be composed of members residing at Paris, and of an equal number of associates distributed among the various parts of the Republic; it shall

associate with itself foreign savants to the number of

twenty-four, eight for each of the three classes.

3. It shall be divided into three classes, and each class into several

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sections, in confor

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with the following table.

supra]; Constitution of

[The classes were:

I. Physical and Mathematical Sciences: 1, mathematics; 2, mechanical arts;

3, astronomy; 4, experimental physics; 5, chemistry; 6, natural history and mineralogy; 7, botany and vegetable physic; 8, anatomy and zoology; 9, medicine and surgery; 10, rural economy and veterinary surgery.

II. Moral and Political Sciences: 1, analysis of sensations and ideas; 2, moral-ityf 3, social science

and legislation; 4, political economy; 5, history; 6, geography.

III. Literature and Fine Arts: 1, grammar; 2, ancient languages; 3, poetry;

4, antiquities and monuments; 5, painting; 6, sculpture; 7, architecture; 8, music and elocution.]

4. Each class of the Institute shall have a separate place of assembly.

No member may belong to two different classes; but he may attend the sessions and co-operate in the work of another class.

5. Each class of the Institute shall publish its findings and work annually.

6. The National Institute shall have four public sessions a year. In such meetings the three classes shall be united.

It shall render account annually to the Legislative Body concerning the progress of the sciences and the work of each of said classes.

7. The Institute shall publish annually, at a fixed time, the lists of prizes which each class is to award.

8. The Legislative Body shall determine annually, on the basis of the statement furnished by the Executive Directory, an amount for the maintenance and work of the National Institute of Arts and Sciences.

9. For the formation of the National Institute, the Executive

Directory shall appoint forty-eight members, who shall elect ninety-six others.

The 144 members together shall name the associates.

10. As soon as the Institute has been organized, appointments to vacancies shall be made by the Institute from a list, of at least triple, presented by the class in which a position has been vacated.

The appointment of associates shall take place in the same manner, whether they are French or foreign.

11. Each class of the Institute shall have on its premises a collection of the products of nature and the arts, as well as a library pertaining to the arts or sciences with which they are concerned.

12. Regulations relative to the holding of sessions and to the work of the Institute shall be drawn up by the Institute itself, and presented to the Legislative Body, which shall examine them in the manner customary for all proposals which are to be transformed into laws.

TITLE V

PUBLIC PRIZES, REWARDS, AND HONORS

1. The National Institute shall appoint annually, by competition, twenty citizens who are to travel and make observations pertaining to agriculture, both in

the departments of the Republic and in foreign countries.

2. Only those who fulfill the following requirements may be admitted to the competitive examination mentioned in the preceding article:

1st, They must be at least twenty-five years of age;

2nd, They must be owners or sons of owners of a rural property forming an area of cultivation, or tenants or sons of tenants of a leased area of one or more plows, on a lease of at least thirty years;

3rd, They must know the theory and practice of the principal agricultural operations;

4th, They must have a knowledge of arithmetic, elementary geometry, political economy, and natural history in general, and of botany and mineralogy in particular.

3. The citizens appointed by the National Institute shall travel for three years at the expense of the Republic, and shall receive a salary which the Legislative Body shall determine.

They shall keep a journal of their observations and shall correspond with the Institute, and every three months they shall send it a report on their work, which shall be made public.

The persons named shall be chosen successively in each of the departments of the Republic.

4. Annually the National Institute shall appoint six of its members to travel, either together or

separately, in order to make researches in the various branches of human knowledge other than agriculture. .

5. The Palais-National at Rome, intended heretofore for French students of painting, sculpture, and architecture, shall continue for such purpose.

6. Said establishment shall be directed by a French painter who has lived in Italy, and who shall be appointed by the Executive Directory for six years.

7. The French artists designated for such purpose by the Institute, and appointed by the Executive Directory, shall be sent to Rome. They shall reside there for five years in the Palais-National, where they shall receive room and board at the expense of the Republic as heretofore; they shall be reimbursed for their traveling expenses.

8. In each of the schools mentioned in Titles II and III of the present law, the nation shall grant to twenty students temporary pensions, the *maximum* of which shall be determined annually by the Legislative Body.

The students to whom such pensions are to be allotted shall be appointed by the Executive Directory, upon the recommendation of the professors and the departmental administrations.

9. The public teachers and professors established by the present law, who have fulfilled their duties for twenty-five years, shall receive a retirement pension equal to their regular salary.

10. Annually the National Institute shall award several prizes in its public meetings.

11. On public holidays awards shall be granted to students who have distinguished themselves in the national schools.

12. Likewise, awards shall be granted on said same holidays for inventions and useful discoveries, distinguished success in the arts, and noble deeds and the constant practice of domestic and social virtues.

13. The Legislative Body shall bestow the honors of the Pantheon upon great men ten years after their death.

TITLE VI

NATIONAL HOLIDAYS

1. In each and every canton of the Republic seven national holidays shall be celebrated annually, to wit:

That of the Foundation of the Republic, 1 Vendemiaire; that of Youth, 10 Germinal; that of Marriage, 10 Floreal; that of Thanksgiving, 10 Prairial; that of Agriculture; 10 Messidor; that of Liberty, 9 and 10 Thermidor; that of the Aged, 10 Fructidor.

2. The celebration of the national holidays shall take the form of

patriotic songs, speeches on civic morality, fraternal banquets, divers public games suited to each locality, and the distribution of awards.

3. The disposition of the national holidays in each canton shall be decreed and announced in advance by the municipal administrations.

4. The Legislative Body shall decree annually, two months in advance, the order and manner according to which 1 Vendemiaire is to be celebrated in the commune wherein it sits.

VI. THE TWO-THIRDS DECREE AND THE INSURRECTION OF 13 VENDEMAIRE;

THE CLOSE OF THE CONVENTION

Pending the elections under the new Constitution, the Convention voted several supplementary decrees which, along with the Constitution, were to be submitted for popular ratification. One of the most important of these was the so-called “two-thirds” decree, providing for the perpetuation of the Thermidorians in office (131).

In the ensuing referendum the Constitution was approved by an overwhelming majority of the 1,500,000-odd voters who turned out at the polls. The two-thirds decree, however, met with vigorous opposition, especially in Paris, where it was repudiated. Nevertheless the measure was ratified. Accordingly, the Constitution and its supplementary laws were declared the law of the land, and the elections were set for the middle of October.

Meanwhile, agitators took advantage of the discontent with the Convention, exploited current dissatisfaction with economic conditions, aroused public opinion, and organized an insurrectionary committee in Paris. Directed by royalists, this committee challenged the authority of the Convention, and on 5 October (13 Vendemiaire) demonstrators marched on the Tuileries.

As on previous occasions, the Convention had known of the plot against it and had taken precautions. Virtually by chance, Barras had selected Napoleon Bonaparte to defend the Convention. The choice was well made. Bonaparte hated mob violence, and was eager to take action against it; moreover, he was ambitious, and the occasion afforded him an opportunity to gain public recognition as well as the favor of the government. Stationing cannon at strategic points around the Tuileries (and having already seized those cannon which might have been used by the insurgents), he speedily dispersed the demonstrators with a “whiff of grapeshot.” By so doing he saved the Convention, dispelled popular hopes of direct action against the government, and opened the way for “the man on horseback” to take charge of the Revolution. The position” of the Convention with respect to 13 Vendemiaire was stated in a procla-that day (132), and Bonaparte’s attitude was indicated in a

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ation issued on

letter of the following day to his brother Joseph (133).

The elections, which occupied the last two weeks of October, 1795, were accompanied by the selection (by the Convention) of new councillors, and the organization of the government. During these closing days the Convention passed some 300 items of legislation, prominent among which were decrees against *emigres* and non-jurors, and, paradoxically, as its last official act, a general amnesty which, as might be supposed, belied its name. The amnesty proclaimed, the President announced, "The National Convention declares that its mission is fulfilled and that its session is terminated." Thus, amidst cries of "Vive la Republique," the Convention, and in the minds of many, the Revolution as well, came to an end.

131 • Decree of the Two-Thirds

30 August, 1795 (13 Fructidor, Year 111)

SOURCE: Duvergier, v. 8, p. 250. See also: *Moniteur*, 3 September, 1795 (17 Fructidor, Year III), Rep., v. 25, p. 632; Helie, pp. 494-495.

The action taken in this decree was prompted partly by recurring royalist commotions in the Vendee and by consequent fears of royalist success in the elections. The majority of Thermidorians thus continued in office ultimately became known as the "Perpetuals."

* * *

1. In execution of articles 1 and 2 of Title I of the law of the 5th of this month,⁶⁹ the next electoral assemblies first shall select two-thirds of the members that each one is to furnish to the Legislative Body, and shall choose them either from the present deputation from their department or from among all the other members of the Convention, with the exception of those excluded by article 3 of said same law.

2. Accordingly, copies of the list of members on duty in the Convention shall be sent to each and every electoral assembly at the time of the Convocation prescribed by article 10 of Title II. . . .⁷⁰

3. Apart from the two-thirds which it is to name first, each electoral assembly shall draft a supplementary list of triple the first, and composed of members likewise taken from the total membership of the Convention, so that, for example, if there is a total deputation of nine members, six shall be chosen first to constitute the *of the two-thirds*, and eighteen others for the *supplementary list*.

⁶⁹ **De^{cr}ee^{on} means of terminating the revolution, 22 August, 1795 (5 Fructidor. Year III) [Duvergier, v. 8, pp. 242-244].**

⁷⁰ *Ibid.*

4. Then each of said two elections shall be held successively and separately; both shall be held by simple *scrutin de liste*, by absolute majority for the first two ballotings, and by relative plurality for the third if there is occasion for one. . . .

5. The election of the last third, which shall be held either in the Convention or outside, may be carried out only after those prescribed by the preceding articles have been completed.

6. In case of insufficiency in the outcome of the ballotings of all the electoral assemblies for the re-election of 500 members of the Convention, said number shall be completed by those who have been re-elected to constitute the two-thirds of the Legislative Body.

7. Such operation will follow immediately after the verification of powers, and shall be effected by *scrutin de liste*, subject to the conditions prescribed by article 4.

8. A table of the number of deputies who are to be furnished on the basis of the statements of population shall be sent to each electoral assembly.

9. The distribution of deputies between the Council of Five Hundred and the Council of Elders shall be made, for the present, by the totality of those elected to constitute the Legislative Body.

10. No deputy on mission or on leave shall be eligible in the department where he happens to be during the holding of the electoral assembly.

132. Proclamation of the Convention concerning the Events of 13 Vendemiaire

5 October, 1795 (13 Vendemiaire, Year IV)

SOURCE: ***Moniteur*, 9 October, 1795 (17 Vendemiaire, Year IV), Rep., V. 26, pp. 133-134.**

Obviously propagandist in both form and substance, and designed as an apology for what had taken place, this proclamation was presented by Louvet in the name of the committees of the Convention. It was the same type of document as those issued in January and June of 1793.⁷¹ And it was not to be the last of the type.

Frenchmen, one of the greatest conspiracies in the annals of the French Revolution was on the point of materializing; for a long time

⁷¹ See documents 78, 94, *supra*. the royalists had prepared their plot; inflammatory libels, corrupt maneuvers, every means of speculation and scarcity had been used. They hoped to mislead the defenders of the National Convention and of the Patrie; not content with disseminating germs of war among the citizens, they had endeavored to divide the representatives of the people among themselves.

They chose the time of the primary assemblies for the accomplishment of their plan. The nation now knows how they had usurped its rights, how they had tried the patience of the people and its representatives. Nevertheless, they had not been able to break it down.

The National Convention, calumniated, reviled, proscribed by some sections, superior to personal outrages but too indulgent perhaps towards attacks upon it as a body, had, by its decree of 11 Vendemiaire, granted to some sections four more days in which to complete their elections;⁷² it had even promised the agitators pardon for their disobedience to laws previously proclaimed. They scorned its clemency, they challenged its justice. Time which was given them to repent was used to complete their transgressions.

On the day of the twelfth, they continued to publish horrible proclamations; they loudly demanded civil war; they armed themselves to wage it, and they indicated the time when they intended to begin it.

Summoned to lay down their arms and to obey the laws, they resisted. A central commission was established by their bayonets; and, as though a spirit of madness had struck the reprobates, they believed themselves strong enough to introduce, by their electorate and to the presidency of their commission, one of the most brazen writers of royalty.⁷³ They created an army, appointed generals, and, ready to resume the frightful day of 31 May, they brought together their parricidal bands into ten divers sections; as on 2 June, some enraged intriguers deceived a credulous people; they marched, nearly 30,000 strong; they came from all parts to surround the representatives of the people in the midst of their sessions.

It was hoped that they might then stop at the edge of the abyss; the defenders of the Convention had express orders to disregard all insults, and to avoid,

at all costs, the shedding of the blood of citizens; but the perfidious foreigner, the ferocious *emigre*, and their worthy accomplices wished to consummate the crime; they began by the most dastardly treason. v 26 ³p ^C |°| M15]⁹⁵ *Moniteur*,
¹⁵ Vendémiaire, Year IV (7 October, 1795), Rep., ⁷³
This doubtless refers to Richer de S6rizy.

Their faithless troop approached; they lowered their guns, raised their caps, presented the flag of their battalion, and spoke words of fraternity; and at the moment when the chief of the members of the sections embraced the commandant of the post, the rebels loosed upon the soldiers of liberty two charges of musketry which laid low twenty-three warriors; soon the combat raged at several points.

Frenchmen, between the conquerors of Fleurus, of 14 July, and 10 August on the one hand, and the satellites of Louis XVIII the combat could not be long; and the avenging cannon, the roar of which still resounds, will apprise the brother of the last of our tyrants, stationed near the Bay of Bourgneuf, that he awaits in vain those movements, so long prepared, and that that Vendean route, which in his foolish hope he saw open right up to the doors of the Convention, is closed forever.

Frenchmen, the National Convention has just fought for that Constitution which hypocrites embrace only to destroy it; and since there is no calumny so absurd that the rage of factions will not try to confirm it, they accused us of wishing to perpetuate ourselves in office, at the very moment when we were advancing by ten days the next period of the convocation of the Legislative Body; as when we

proclaimed the pardon and remission of errors, they dared reiterate the charge that we wished to raise again the scaffolds of the Terror.

No! Never, never will the terrible regime of Robespierre oppress our *Patrie*. Who, then, would have more reason for combating it than we, we so long its victims, we its conquerors?

But it is time that a salutary fear enters the hearts of the brigands who have dug the grave of the Republic under our feet, and who were preparing the ruin of all friends of liberty, persecuted on different pretexts.

They shall be punished; the heirs of their plans shall be compromised; in spite of their efforts, we will here maintain the security of persons and of property.

Again we shall wrest this great commune from its own fury, and we shall finally oblige the agitators to recognize that the most perfect equality must prevail among all parts of the Republic.

Frenchmen, the National Convention will preserve for you the precious depository of your new laws; it takes care of your dearest interests; it urges you to forget hatreds and the surveillance of evildoers; it invites you to peace and unity.

The National Convention decrees the insertion of the proclamation to the French people in the Bulletin of Correspondence, its posting in

Paris, and its dispatch, by special messengers, to the departments and the armies.

133. Letter from Napoleon Bonaparte to Joseph Bonaparte

6 October, 1795 (14 Vendemiaire, Year IV)

SOURCE: **Bonaparte, Napoleon**, *Correspondance de Napoleon Ier publiee par ordre*

de YEmpereur Napoleon HI, 32 v. (Paris, 1858-1870), v. 1, p. 91. [The edition of Napoleon's Correspondence used in connection with the present volume was once the property of Henry Adams, who donated part of his personal library to Western Reserve University.]

This letter reveals something of the character of the man who, within four years, was to make himself master of France.

*** * ***

At last it is all over; my first impulse is to let you hear from me.

The royalists, constituted in sections, were daily becoming bolder. The Convention gave orders that the Lepelletier Section should be disarmed; it repulsed the troops. It was said that Menou, the commander, was a traitor; he was dismissed immediately. The Convention appointed Barras to command the armed forces; the Committees chose me as second in command. We disposed our troops; the enemy attacked us at the Tuileries; we killed a large number of them; they killed thirty of our men and wounded sixty. We have disarmed the Sections, and all is quiet. As usual, I was unharmed.

***Suggestions for Reading and Reference* THE THERMID ORIAN REACTION**

(For full titles see Key to Abbreviations, *supra*)

GENERAL

Secondary Works

Acton, pp. 331-344; Aulard, v. 3, pp. 203-325; Bourne, pp. 218-226, 229-235 *passim*; Bradby, pp. 305-350; Brinton, pp. 93-94, 94-109 *passim*, 164-189 *passim*; 194-215, 246-273 *passim*; C. H. B. F. P., v. 1, pp. 216-259 *passim*; C. M. H., v. 8, pp. 372-397, and ch. 14, 15, 23-25 *passim*; Deslandres, v. 1, pp.

246-255, 291-343; Gasc-Desfosses, v. 3, pp. 612-744, 745-775 *passim*; Gershov pp. 293-309, 309-316 *passim*; Gottschalk, pp. 265-278, 278-279 *passim*; Hazen, v. 2, p. 804-841; Henderson, pp. 435-441; Jaures, v. 5, pp. 1-150, 150-280

***passim* [Mathiez ed., v. 8, pp. 5-126 *passim*]; Kropotkin, v. 2, pp. 569-571;**

L. and R., v. 8, pp. 215-231, and ch. 5, 6, 9-22 *passim*; L. G., and S., pp. 168-

198 *passim*, 261-283, 465-539 *passim*; Madelin, pp. 432-484; Masson, ch. 9

***Passim*; Mathews, pp. 276-296; Pariset, pp. 244-294; Rambaud, v. 3, Book I**

***passim*; Rose, pp. 89-92; Sorel, v. 4, pp. 122-477; Stephens, pp. 148-165; Villat pp. 316-346, 377-384.**

Primary Sources

B. and R., v. 34, pp. 102 ff., v. 35, 36, v. 37, pp. 1-98; Bloch, pp. 1-59 *passim*, 474-539; Bloch, *Monnaie*, pp. 1-41 *passim*, 352-391; Bourgin, pp. 241-260 *passim*, 346-383; C. and G., pp. 97-140, 174-177, 197-200, 211-216, 221-222, 235-236, 240, 248-250 *passim*, 252-253 *passim*, 258-260 *passim*, 289-290, 295-298, 305-312, 351-355, 358, 364, 382, 383, 419-427, 429-431 *passim*, 466-467, 467-471 *passim*, 477-478, 478-479 *passim*, 481-484 *passim*; Caron, pp. 1-27 *passim*, 106-167, 184—190; Clercq., v. 1, pp. 231-268; D. and M., pp. xliv-lxiii, 78-118; Duvergier, v. 7, pp. 238 ff., and v. 8; Helie, pp. 337-341 *passim*, 415-512; Higgins, pp. 363-400; Martens, v. 5, pp. 375, 384-386, 605-605, 640-696, and v. 6, pp. 1-141, 186-199, and Table, pp. 49-51; *Moniteur*, v. 21, pp. 328 ff., v. 22-25, v. 26, pp. 1-272; Schmidt, pp. 1-29 *passim*, 214-269; Schmidt, *Industrie*, pp. 1-21 *passim*, 83-103; Schmidt, *Tableaux*, v. 2, pp. 221-433; Stephens, *Speeches*, v. 1, pp. 32-38 *passim*, 454-457, 475-500, and v. 2, pp. 540-558; Thompson, *Witnesses*, pp. 248-250, 256-262.

SPECIAL

Secondary Works

Bond, B. W., *The Monroe Mission to France, 1794-1796* (Baltimore, 1907); Champion, Edme, *La separation de l'église et de l'état en 1794* (Paris, 1903); Lefebvre, Georges, *Les Thermidoriens* (Paris, 1937); Mathiez, Albert, *After Robespierre, the Thermidorian Reaction*, tr. from the French by Catherine Alison Phillips (New York, 1931).

[See also at end of Chapter Four, *supra*, works by Aulard, Brinton, Dreyfus; at end of Chapter Five, *supra*, works by Campardon, Guiffrey, Kuscinski, Perroud, Rose, Wallon; at end of Chapter Six, *supra*, works by Dubreuil,

Gabory, Malleray.]

COUNTER-REVOLUTION AND EMIGRES: see Chapter Three, *supra*, Section 1, footnotes 1 and 3.

FOREIGN RELATIONS: see Chapter Three, *supra*, Section 1, footnotes 5 and 9. WAR AND MILITARY AND NAVAL AFFAIRS: see at end of Chapter Four, *supra*, works by Charavay, La Ronciere, Six, Weygand, Wilkinson; and at end of Chapter Five, *supra*, work by Phipps.

Primary Sources

Aulard, F. V. A., ed., *Paris pendant la reaction thermidorienne et sous le directoire. Recueil de documents pour l'histoire de Vesprit d Paris*, 5 v. (Pans, 1898-1902).

[See also at end of Chapter Two, *supra*, work by Berville; at end of Chapter Four, *supra*, works by Aulard, Debrett, Jomini, Mautouchet, Moore, Williams; at end of Chapter Five, *supra*, works by Aulard, Guillaume; at end of Chapter Six, *supra*, work by Dauban.]

BIOGRAPHY

[See statement at end of Chapter One, *supra*.]

CHAPTER EIGHT--THE DIRECTORY: FIRST PHASE

(27 October, 1795-31 December, 1797) i. “public order”; babeuf

134. Manifesto of the Directors, 5 November, 1795 (14 Brumaire, Year IV).

135. The Doctrine of Babeuf, May, 1796

II. FINANCIAL AND ECONOMIC PROBLEMS OF THE FIRST PHASE

OF THE DIRECTORY

136. Law on the “Consolidated Third,” 30 September, 1797 (9 Vendemiaire, Year VI).

137. Law Regulating the Bourse, 21 February, 1796 (2 Ventose, Year IV).

138. Law Regulating Exports, 6 August, 1796 (19 Thermidor, Year IV).

139. Law Prohibiting the Importation and Sale of English Merchandise.

31 October, 1796 (10 Brumaire, Year V).

III. FOREIGN POLICY; THE FIRST PHASE OF BONAPARTE’S ITALIAN

CAMPAIGN

140. Bonaparte's Proclamations to the Army of Italy, 27 March and 26 April, 1796 (7 Germinal and 7 Floréal, Year IV).

141. Bonaparte's Letter concerning the Italian Command, 14 May, 1796 (25 Floreal, Year IV).

142. Treaty of Peace between France and Sardinia, 15 May, 1796 (26 Floreal, Year IV).

143. Treaty of San Ildefonso, 19 August, 1796 (2 Fructidor, Year IV).

IV. THE CLOSE OF THE ITALIAN CAMPAIGN

144. Treaty of Tolentino, 19 February, 1797 (1 Ventose, Year V).

145. Treaty of Turin, 5 April, 1797 (16 Germinal, Year V).

146. Preliminaries of Leoben, 18 April, 1797 (29 Germinal, Year V).

147. Treaty of Milan, 16 May, 1797 (27 Floreal, Year V).

148. Bonaparte's Proclamation on the Cisalpine Republic,

29 June, 1797 (11 Messidor, Year V).

V. THE FIRST COUP D'ETAT: 18 FRUCTIDOR

149. Proclamation of the Directory to the French People,

9 September, 1797 (23 Fructidor, Year V).

VI. THE PEACE OF CAMPO FORMIO

i

150. Letter from Bonaparte to Talleyrand concerning Italian Constitutions, 19 September, 1797 (3rd Complementary Day, Year V).

151. Treaty of Campo Formio, 17 October, 1797 (27 Vendemiaire, Year VI).

VII. THE RETURN" OF BONAPARTE

152. Bonaparte's Victory Banner, 17 November, 1797 (27 Brumaire, Year VI).

CHAPTER EIGHT

THE DIRECTORY: FIRST PHASE

(27 October, 1795-31 December, 1797)

When the new government assumed office in October, 1795, the problems facing the legislature of "perpetuals" and its heterogeneous Executive Directory would have taxed the capacity of a less conservative and conglomerate group. Civil war still raged, Jacobin and royalist intrigues jeopardized governmental stability, social reorganization was essential, financial and economic difficulties remained unsolved, and foreign war continued.^{[1](#)}

As a beginning the new administration turned its attention to the extermination of civil war, the elimination of political antagonists, and the rehabilitation of the social order (I). Next it

endeavored to effect financial stabilization and economic reform (II). Domestic developments were considerably overshadowed, however, by foreign affairs and military campaigns, particularly the campaigns of Napoleon Bonaparte (III, IV, VI). The years from 1795 to 1799 comprised not only the finale of the French Revolution and a transition to the Napoleonic Era; they were also the *first phase* of the Bonapartist regime.²

During the period of the Directory, the lack of adequate agencies to integrate the work of the executive and legislative branches of the government became apparent. Force or intrigue, or both, remained the only alternatives, as was evidenced by the *coup d'etat* of 18 Fructidor, Year V (V). This was the first of a series of such political maneuvers, which were to culminate in the fall of the Directory in 1799.

Because of its four-year duration, and because of the shifting of emphasis to Bonaparte, the documentary evidence is sufficiently extensive to warrant presenting it in two chapters, as was done in dealing with the Constituent Assembly. This, the first of these two chapters, ends with the close of 1797, following the return of Bonaparte from northern Italy (VII). The second, and concluding, chapter, deals with the years 1798 and 1799.

I. "PUBLIC ORDER"; BABEUF

By way of informing the public of its intentions, the Directory issued a manifesto on 5 November (134). Then the executive turned to the extirpation of civil

war, and with marked success. By the Spring of 1796 General Hoche had brought order in the Vendee and in Brittany. At the same time the Directory was forced to adopt stringent measures against its principal political opponents, the Jacobins and the Babeuvists (135). Early in 1796 it closed the Pantheon Club, the meeting place of malcontents, and on 16 April it suppressed Babeufs newspaper and issued a severe law on "Public Order." ³ Despite these measures, the radicals continued to meet secretly, and under Babeufs guidance his followers planned an insurrection. The plot was discovered, however, and its leaders apprehended and either executed or exiled. Thus ended the last socialistic venture of the Revolution.

To problems of civil war and political intrigue was added the task of social regeneration. Disillusioned, insecure, and weary of the puritanism of Robespierre, the upper strata of French society had turned to a round of excesses— which were rendered more extreme by the vulgarity of parvenus. The masses, lacking the wherewithal to indulge in such activities, found escape (as is frequently the case under such circumstances) in a religious revival. Spiritually starved by and emotionally unresponsive to the revolutionary religion, and intellectually incapable of appreciating the more recent "Theophilanthropy," the people reverted to the faith of their fathers. Catholicism, already revived during the Thermidorian Reaction, began to experience that further quickening which was to culminate in the Napoleonic Concordat.

Social regeneration, however, was something which required time and changing circumstances.

Meanwhile the government endeavored to meet those matters of immediate urgency which could be approached through legislation. And of these the time-worn problem of financial and economic rehabilitation was paramount.⁴

³ See Duvergier, v. 9, pp. 79-80, and H61ie, pp. 519-520.

⁴ As already indicated, it is impossible to include special sections on the cultural and social work of the Directory. Many documents, covering subjects ranging from the control of theaters to the laws on inheritance, attest to a continued interest in these fields of endeavor. It was during the first two years of the Directory that such men as Laplace and Lamarck published some of their scientific treatises; and it was at this time also that Napoleon assumed responsibility for making collections to fill the

L°In^{VI} addition to Rambaud, see Goncourt, Edmond de and Jules de, *Histoire de la society frangaise pendant le Directoire*, 2 v. (Paris, 1855).

134. Manifesto of the Directors

5 November, 1795 (14 Brumaire, Year IV)

SOURCE: *Moniteur*, 10 November, 1795 (19 Brumaire , Rep., v. 26, p. 386. See also: B. and R., v. 37, pp. 105-106; Debidour, *Recueil des acles du Directoire executif*, v. 1, pp. 19-21.

This manifesto is an interesting example of an emotional appeal, designed to stimulate optimism, discredit opposition, and evade positive

commitments. It becomes all the more significant when viewed in the light of the actualities of the ensuing four years.

*** * ***

Frenchmen, the Executive Directory has just been installed.

Resolved to maintain liberty or to perish, it is determined to consolidate the Republic and to give all dispatch and vigor to the Constitution.

Republicans, rely upon it, its destiny will never be separated from yours; inflexible justice and the strictest observance of laws will be its rule. To wage an active war on royalism, to revive patriotism, to repress all factions vigorously, to destroy all party spirit, to annihilate every desire for vengeance, to establish concord, to restore peace, to regenerate morals, to reopen the sources of production, to revive commerce and industry, to stifle speculation, to revivify the arts and sciences, to re-establish plenty and the public credit, to reinstate social order in place of the chaos which is inseparable from revolutions, finally, to obtain for the French Republic the happiness and glory which it awaits—such is the task of your legislators and of the Executive Directory . . .

Wise laws, promptly and energetically enforced, will soon cause us to forget our prolonged sufferings.

But so many evils cannot be compensated for, so much good accomplished in a day. The French people are just and loyal; they will perceive that ... we need time, calm, patience, and confidence proportionate

to the efforts we have to make. Such confidence will not be betrayed if the people no longer allow themselves to be won over to the perfidious suggestions of royalists who are resuming their plots, of fanatics who are ceaselessly inflaming opinions, and of public leeches who are always taking advantage of our miseries.

It will not be betrayed if the people do not attribute to the new authorities the disorders occasioned by six years of revolution, which can be expiated only with time; it will not be betrayed if the people recall that, for more than three years, every time the enemies of the Republic . . . have aroused tempers and occasioned disturbances

. . . such agitations have served only to increase discredit, and to retard production and plenty, which only order and public tranquillity can produce.

Frenchmen, you will not shackle a newborn government . . . ; but you will support with wisdom the ever active efforts and the imperturbable progress of the Executive Directory towards the prompt establishment of public happiness; and soon, with the glorious title of Republicans, you will irrevocably assure national peace and prosperity.

135. The Doctrine of Babeuf

May, 1796

SOURCE: Buonarroti, Filippo, *Conspiration pour Vigalite dite de Babeuf, suivie du proces auquel elle donna lieu, et des pieces justificatives, etc.*, 2 v. (Brussels, 1828), v. 2, pp. 137-150. See also: *Buonarroti's History of Babeufs Conspiracy*

***for Equality; . . . translated from the French ... by
Bronterre (London, 1836).***

REFERENCES: **Bax, E. B., *The Last Episode of the French Revolution; being a History of Gracchus Babeuf and the Conspiracy of the Equals* (London, 1911); Dommanget, Maurice, ed., *Pages choisies de Babeuf* (Paris, 1935); Walter, Gerard, *Babeuf, 1760-1797, et le conjuration des egaux* (Paris, 1937). See also the Manifesto of the Equals and Babeufs Last Letter in Buonarroti, *op. cit. supra*, v. 2, pp. 130-136, 320-324 [in the translation, pp. 314-317, 426-428].**

The Babeuvists (sometimes called the Society of Equals) found inspiration in the communistic philosophy which their leader, “Gracchus” Babeuf, had developed in the columns of his newspaper, *The Tribune of the People*. Socialistic tendencies had not been uncommon in France during the Revolution, but in 1795 their manifestation was particularly distasteful to the bourgeoisie who controlled the government. The hostility of the Directory towards the “Equals” may be explained by this document, which the Babeuvists adopted as their official creed. It indicates how one group was endeavoring to transform some of the ideas of the philosophes and the early revolutionaries into a workable social and economic pattern, and how it anticipated the socialism of the nineteenth century. In the original text “proofs” and “explanations” appear after most of the articles.

*** * ***

1. Nature has bestowed upon each and every individual an equal right to the enjoyment of

property [*tous les*].

2. The purpose of society is to defend such equality, often assailed by the strong and the wicked in the state of nature, and to augment the general welfare through the co-operation of all.

3. Nature has imposed upon each and every individual the obligation to work; anyone who evades his share of labor is a criminal.

4. Both work and benefits must be common to all.

5. There is oppression when one person is exhausted by labor and is destitute of everything, while another lives in luxury without doing any work at all.

6. Anyone who appropriates exclusively to himself the products of the earth or of manufacture is a criminal.

7. In a real society there ought to be neither rich nor poor.

8. The rich who are not willing to renounce their surplus in favor of the poor are enemies of the people.

9. No one, by accumulating to himself all power, may deprive another of the instruction necessary for his welfare. Education ought to be common to all.

10. The aim of the French Revolution is to destroy inequality and to re-establish the general welfare.

11. The Revolution is not complete, because the rich monopolize all the property and govern exclusively, while the poor toil like slaves, languish in misery, and count for nothing in the State.

12. The Constitution of 1793 is the real law of Frenchmen, because the people have solemnly accepted it; because the Convention had no right to change it; because, in order to supersede it, the Convention has caused people to be shot for demanding that it be put into effect; because it has pursued and slaughtered deputies who were performing their duty by defending it; because terror against the people, and the influence of *emigres*, have presided over the fabrication and the alleged acceptance of the Constitution of 1795, despite the fact that it is not supported by a quarter of the votes obtained by that of 1793; because the Constitution of 1793 has sanctioned the inalienable right of every citizen to consent to the laws, to enjoy political rights, to meet in assembly, to demand what he deems useful, to receive education, and not to die of hunger; rights which the counter-revolutionary Act of 1795 openly and totally violated.

13. Every citizen is obligated to re-establish and defend the will and welfare of the people in the Constitution of 1793.

14. All powers emanating from the so-called Constitution of 1795 are illegal and counter-revolutionary.

15. Those who have raised their hands against the Constitution of 1793 are guilty of common high

treason.

II. FINANCIAL AND ECONOMIC PROBLEMS OF THE FIRST PHASE OF THE DIRECTORY*

The financial situation faced by the Directory was the unhappy legacy left by the Thermidorians. Billions of francs in *assignats* were still in circulation at one per cent of their face value; and the effect upon prices was devastating. In March, 1796, the *assignats* were stabilized and supplanted by a new form of paper, the *mandats territoriaux*.⁸ These in turn declined so rapidly that ultimately only one expedient seemed possible, i.e., repudiation of *all* paper money. This was effected by a law of 4 February, 1797;⁷ but the public debt still remained. The war and other factors had swelled it to enormous proportions, and when economies produced no substantial reduction, one-third of it was consolidated, the remaining two-thirds virtually repudiated (136). These actions marked the beginning of the end of revolutionary finances *via* liquidation!⁸

Taxes, like finances, were in a critical condition. The Treasury was almost empty, revenues were negligible, and forced loans were unavailing. By 1 August, 1797 (14 Thermidor, Year V), a new tax—personal, *mobiliere*, and sumptuary—had been added to the efforts to produce government income; this was to remain the principal accomplishment until 1798.⁶

The economic tribulations of the early Directory were no less serious than the financial ones. Unemployment and scarcity of food brought crises,

but gradually a return to “normal” was effected with the elimination of restrictions on the grain trade.^{3 4} Likewise, the government endeavored to check all types of speculation by regulating the Bourse (137).

To stimulate economic activity and to produce prosperity (both of which were primary aims of the middle-class government) divers techniques were employed, and with a fair degree of success. One of the most common was the familiar expedient of providing subsidies for industry.⁵ In general, however, the Directory failed to satisfy either the commercial free traders or the industrial protectionists, though the latter derived some satisfaction from the regula-

* For economic trends in general, see: Clough, S. B., *France, a History of National Economics, 1789-1939* (New York, 1939); Bogart, E. L., *Economic History of Europe, 1760-1939* (London and New York, 1942).

⁶ Law of 18 March, 1796 (28 Ventose, Year IV) [Duvergier, v. 9, pp. 63-65].

⁷ 16 Pluviose, Year V [Duvergier, v. 9, pp. 270-272].

⁸ On finances see: Bloch, *Monnaie*, pp. 1-41 *passim*, 391-472, 521-525 [pp. 31-40 give the financial agencies of the Revolution]. See also references to document 26, tion of exports (138). In virtually every aspect, both commerce and industry were affected by the war. In this connection, by restricting trade in English merchandise (139) (a policy which was by no means new) the government contributed to the development of the foundations of what later became Napoleon’s continental system. The treaties

in this chapter indicate the manner in which the Directory subjected its new satellite states to economic bondage, and endeavored to make the war pay for itself.⁶

136. Law on the “Consolidated Third”

30 September, 1797 (9 Vendemiaire, Year VI)

SOURCE: Duvergier, v. 10, pp. 54—65. See also: *Moniteur*, 5 and 6 October,

1797 (14 and 15 Vendemiaire, Year VI), Rep., v. 29, pp. 23-29 *passim* [lacks preamble].

The action taken by this law seriously impaired public confidence in the government, and the “third” rapidly declined in value. During the early days of the Consulate it was expunged entirely. Of special interest is the manner in which Title XIV provides for the “bankruptcy of the two-thirds.”

* * *

The Council of Elders, adopting the motives for the declaration of urgency which precedes the following resolution, approves the act of urgency.

The following is the tenor of the declaration of urgency and of the resolution of the 1st complementary day, Year V:⁷

The Council of Five Hundred, having heard the report of the Commission on Finance and Expenditures concerning the messages of the Executive Directory of the 19th and 23rd of last month;⁸

Considering that the external defence of the Republic, the maintenance of order in the interior, the payment of public officials and employees, the condition of *rentiers* and pensioners, the compensation due the defenders of the *Patrie*, and the re-establishment of public credit, require, on the one hand, that the account of the expenditures for such several matters be settled, and, on the other hand, that the payment and disposal of the funds necessary to meet them be assured; that the success of the measures to be employed in obtaining a glorious peace and guaranteeing all branches of service of the Public Treasury depends upon such a balance;

Considering that circumstances have at no time more urgently or imperatively required the attainment of such objective;

Declares urgency, and adopts the following resolution:

TITLE i

DIRECT TAXES

1. The amount of funds necessary for the general, ordinary, and extraordinary expenses of the Year VI shall remain provisionally established at the sum of 616,000,000.

2. The land tax shall be reduced for the Year III to 228,000,000 in principal; and in actual collection, deducting for the tax on national domains, to 205,000,000.

3. The personal and sumptuary personal property tax for the same year shall be reduced to 50,000,000.

4. The sum mentioned in article 1 shall be taken from the revenue: 1st, from the land tax, 205,000,000; 2nd, from the personal and sumptuary personal property tax, 50,000,000; 3rd, from registration,

70.000. 000; 4th, from the stamp tax, 16,000,000; 5th, from mortgages, 8,000,000; 6th, from licenses, 20,000,000; 7th, from customs,

8.000. 000; 8th, from postal service and stagecoaches, 14,000,000; 9th, from road tolls, 20,000,000; 10th, from the gold and silver mark,

500,000 *francs*; 11th, from gunpowder and saltpeter, 500,000 *francs*; 12th, from the revenues from forests, salt works, and canals, 30,000,-000; 13th, from the revenues from national domains, 20,000,000; 14th, from the sale of domains, 20,000,000; 15th, increase in import duties on tobacco, 10,000,000; 16th, from lotteries, 12,000,000; 17th, from the debts of foreign powers, 10,000,000; 18th, from Batavian rescriptions, 15,000,000; [19th], from a reserve on the taxes of the Year V and previous years, and the active debts of the Public Treasury,

87.000. 000. Total, 616,000,000.

5. In order to balance the daily receipts and expenditures, a sum of

100.000. 000 shall be deducted, in advance, from the direct taxes of the Year VI . . .

6. The laws enacted concerning the land and personal taxes for the Year V shall apply likewise to those of the Year VI.¹⁵

. . .

¹⁵e.g., Law of 1 August, 1797 (14 Thermidor, Year V [Duvergier, v. 10 pp 6-8 and Bloch, pp. 664-669].

7. Those who are more heavily taxed in each commune, to the extent of one-half of the taxpayers, shall be required to pay, between now and 1 Nivose next, one-half of their land tax for the Year VI, the other taxpayers shall be required to pay one-fourth thereof within the same time; the balance shall be paid in equal portions within the ensuing nine months.

. . .

10. The communal tax collectors, the departmental tax receivers, and the officials in charge are declared respectively responsible for nonpayment of the amounts stated in the preceding articles, and at the times indicated therein; they shall be forced to replace, through the sale of their property, the amounts for the recovery of which they do not prove that they have begun legal proceedings within a *decade* of the date on which they were due.

11. The definitive rolls of direct taxes for the Year V shall be completed before 1 Frimaire next; they

shall serve for the payment of said same taxes for the Year VI . . .

12. The assessors and the municipal administrations, each in whatever concerns them, are personally responsible for making the rolls within the prescribed time; in default of which, the central administrations of the departments shall appoint commissioners to proceed with the formation of said rolls, at the expense of the tardy assessors and members of the municipal administrations.

The provisions of the law of 17 Brumaire, Year V,¹⁶ which are not affected by the present law shall continue to be enforced.

¹⁶**Law of 7 November 1796 [Duvergier v. 9 pp. 222-223, and Bloch pp 620-622].**

13. The ordinary and extraordinary receipts for the Year VI shall serve only for the payment of the ordinary and extraordinary expenses of the same year; for such purpose new registers shall be opened at the National Treasury on 1 Vendemiaire next.

Arrears of taxes of any kind, and active debts of the Public Treasury, deducting the 87,000,000 included in the statement of receipts for the Year VI, shall serve for the payment of arrears in expenses, giving preference to the balance in arrears and to that which is still due of the pensions of the Year V for the quarter of the first semester; the registers now existing shall continue to serve for the receipts and expenditures prior to the same time.

[Title II deals with registration fees; Title III with stamp taxes; Title IV with mortgages; Title V with licenses; Title VI with letter post; Title VII with stagecoaches; Title VIII with road tolls.]

TITLE IX

LOTTERY¹⁷

90. The former national lottery of France shall be re-established on the same bases as at the time of its suppression. The Directory is charged with organizing provisionally, without delay, the administration thereof; the number of agents is to be reduced as much as possible.

91. The establishment of private or foreign lotteries is prohibited.

92. Persons who collect for foreign lotteries shall be sentenced, for the first offence, to a fine of 3,000 *francs*, and for the second, to six months' imprisonment in addition to the fine.

93. Collectors for the national lottery who are convicted of having collected for foreign lotteries, or of having speculated on their own account or on those of others, shall be sentenced to a fine of 6,000 *francs* and discharged.

[Title X deals with tobacco; Title XI with the compulsory loan; Title XII with negotiations by the National Treasury.]

TITLE XIII

GENERAL PROVISIONS

97. The Executive Directory shall take the measures necessary in order that all branches of the service, and notably those of the Departments of War and the Navy, may be assured of being ready for a new campaign in case peace is not concluded.

¹⁷ All lotteries had been suppressed on 15-16 November, 1793 (25-26 Brumaire, Year II).

TITLE XIV

PUBLIC DEBT

98. Every inscription on the ledger of the public debt, perpetual as well as life, liquidated or to be liquidated, shall be paid off to the extent of two-thirds, in the manner hereinafter determined; the other one-third shall remain inscribed upon the ledger and shall be paid at said rate, beginning with the second half of the Year V.

The one-third of the public debt which is maintained is declared exempt from every reserve, present or future.

99. The preceding provision does not include any kind of pensions, salaries, or life indemnities, the arrears of which shall be paid provisionally at the rate of one-third, and beginning with the second half of the Year V.

100. The repayment of the two-thirds shall be made in bearer bonds issued by the National Treasury. The capital of the perpetual inscription shall be calculated at the rate of one-twentieth, and that of life inscription at one-tenth.

101. The bearer bonds issued in repayment of the public debt shall be accepted as payment for national property . . .

102. Until the conclusion of general peace, the national property shall be sold in conformity with existing laws, and the bearer bonds shall be accepted in payment for the portion of the price payable with the public debt.

• • • • • + # # • • • •

105. One month after the ratification of the last treaty of general peace, the price of the sales of the national domains may be paid in full only with the bearer bonds accruing from the payment of the public debt.

106. The sale of national property shall be expedited in every way, in order to be terminated in the year following the general peace.

107. If, after all the national property, exclusive of forests of over 300 *arpents*, has been sold, repayment bonds still remain in circulation, the bearers shall be reimbursed in the following manner.

108. Immediately after the general peace, the Government shall have a statement drafted of the national property and waste and uncleared property in the Island of San Domingo and other French colonies; the sale thereof, based on the bids which have been made, shall be effected and the price thereof shall be paid in repayment bonds, whether the sale has been made in Paris or in the colonies.

109. The general liquidation of the public debt shall be effected as rapidly as possible; creditors who are not yet paid shall be authorized to purchase national domains, by proving the deposit of the titles of their claims, and by obligating themselves, with the provisional *visa* of the administrations, to pay the price thereof in the same manner as the discharged creditors. In such case, the property sold shall remain in the hands of the nation, and shall be administered for the benefit of the purchaser, until he has completed payment.

111. Amelioration of the lot of those creditors of the State who, as a consequence of the present law, are reduced to an inscription of 200 *livres* or less, shall be provided immediately by a special law.

137. Law Regulating the Bourse

21 February, 1796 (2 Ventose, Year IV)

SOURCE: Duvergier, v. 9, pp. 47-48. See also: Debidour, *Recueil des actes du Directoire executif*, v. 1, pp. 642-643 [includes an additional article concerning the printing of the decree].

This was but one of many laws passed during the Revolution to keep the Bourse a responsible business agency. It presents an interesting parallel with twentieth-century legislation on the same subject.

* * *

The Executive Directory, wishing to assure the execution of the laws of 13 Fructidor and 28 Vendemiaire last,¹⁸ and thereby to terminate the

criminal and constantly repeated maneuvers of speculators, who succeed in gaining admittance to the Paris Bourse, and gamble therein in the most scandalous manner on the rise and fall of stocks;

Considering that, in assigning a time sufficient for the exchange quotation to be established and the transaction price determined daily, it is necessary to curtail all time used only in infamous deals of speculation and perfidious and malicious enterprises;

Considering that the law of 28 Vendemiaire¹⁹ reserves the Bourse expressly for the assembling of *merchants and dealers provided with*

18 Laws of 30 August, 1795, and 20 October, 1795, relating to the Bourse [Duvergier, v 8, pp. 251, 332-335]. if 20 October, 1795; see preceding note. swan

***licenses for their banking or commercial activities'*, that thus its intention was obviously to exclude from the Bourse those who are neither bankers nor merchants with a commercial establishment and fixed domicile; that it is even explicit in this respect, permitting, in Chapter II, article 5, paper transactions only between the persons just designated; that, finally, it is extremely urgent to purge the Bourse of that of speculators without status, who gain entry thereto daily**

under the meaningless title of itinerant merchants, etc.

1. Dating from the 4th of the present month, the Paris Bourse shall be open only from one o'clock to

two for merchants of any kind.

2. No one may sell or exchange therein metallic bullion or specie or *assignats*, or make any agreement relative thereto, unless, in conformity with the intent of the law of 13 Fructidor,⁹ he proves that he is actually the possessor of the items to be sold or exchanged, by producing a certificate of deposit of said items, either with one of the twenty exchange agents or with one of the public notaries of the canton of Paris.

3. The announcement, made aloud, of each transaction concluded by one of the exchange agents shall include the name and domicile of the depositary of the item sold, and a statement thereof shall be made on the register kept by the public auctioneer; and a copy thereof, remitted daily to the central bureau, shall enable said administration to verify the authenticity of the deposit, and, above all, whether the item sold has been delivered within twenty-four hours.

4. Since, by the terms of the law of 13 Fructidor, Year III,¹⁰ all sales of merchandise which are not exposed must be made exclusively at the Bourse, the method of negotiation prescribed by the law of 28 Vendemiaire for metallic bullion and specie ¹¹ shall be followed exactly for the transactions of such merchandise.

5. Every transaction of merchandise made at the Bourse by one of the sixty brokers shall be proclaimed aloud, shall be registered by the public auctioneer, and shall include the name and domicile of the vendor, in order that the central bureau may

assure itself both of the actual existence of the merchandise and of the delivery thereof within twenty-four hours.

6. Since any infraction of the provisions of articles 2, 3, 4, and 5 above is considered as speculation, the central bureau of the canton of Paris and the commissioner responsible for the police of the Bourse shall denounce and shall have prosecuted respectively the authors thereof, in conformity with the law of 13 Fructidor.²³

7. Only agents of exchange and merchandise brokers legally appointed, and bankers and merchants who, apart from their licenses and the receipt for payment of their share of the compulsory loan, prove, by means of a certificate from their municipalities . . . that they have a banking or .commercial establishment and an established domicile in France, shall be admitted to the Bourse.

138. Law Regulating Exports

6 August, 1796 (19 Thermidor, Year IV)

SOURCE: Duvergier, v. 9, pp. 134-136 [lacks preamble]. See also: Schmidt, pp. 275-276 [lacks schedules]. REFERENCES: Documents 104, 105, *supra*.

As indicated in preceding chapters, the Revolution had assumed the form of an attempt to make France a closed, self-sufficient economy. This was effectuated in part by tariffs and trade regulations, of which the present document is a good example.

*** * ***

1. The merchandise included in the first table appended hereto may be exported by paying the duties prescribed therein.

2. Prohibitions of exports from the Republic are restricted to the items included in the second table appended hereto.

3. Merchandise not included in the two said tables, or not previously subject to export duties by the tariff of 2—15 March, 1791, and the laws of 26 July-1 August, 1792, and 12 Pluviose, Year III,²⁴ shall continue to be exported duty free.

4. The export duties shall be paid in metallic currency or representative security.

[Table I lists items of which the export was formerly prohibited, but is now permitted upon the payment of duties, assessed for the most part at so many *livres* on weight, or at a certain percentage of the value. Divers restrictions, territorial and otherwise, were imposed on the export of many articles. Outstanding among the items included in Table I were: timber and special kinds of wood; butter, wine, honey, brandies, and tobacco; hogs, mules, and calves;

²³ See note 18, *supra*

²⁴ See Duvergier, v. uary, 1795].

2, pp. 215-230; v. 4, pp. 273-275, and v. 8, pp. 9-10 [31 Jan woolens, cottons, various items of wearing apparel, thread, yarn, hides, and hemp; resins, wax, coal, charcoal, and oils; pig iron, unfinished iron

bars, plates, and rods, wrought copper and brass, and paper; luxury articles such as fowing pieces, silks, and jewelry. And certain imports such as coffee, cacao, and colonia commodities could be re-exported subject to certain conditions.]

[Table II lists items of which the export continued to be prohibited. Outstanding among these were! livestock; firewood and lumber; furs; wrought steel, copper in sheets, gold, silver, tin, brass, and scrap iron; ships and munitions; meals, vegetables, sugar, molasses, meats, and fish; and candles, flax, potash, and sulphur.]

[Table III assesses a duty of 10 per cent on sawed wood imported through certain departments.]

139. Law Prohibiting the Importation and Sale of English Merchandise

31 October, 1796 (10 Brumaire, Year V)

SOURCE: Duvergier, v. 9, pp. 210-213. See also: Schmidt, pp. 279-283. [Cf.

Martens, v. 5, pp. 389-393.]

In addition to the type of export regulation exemplified by the preceding document, frequent *import* regulations had been passed, the most significant of them directed against England. These restrictive enactments constituted a species of economic warfare,²⁵ as indicated in the present law, which should be compared with document 105, *supra*. States dependent upon France were “induced” to adopt similar measures.

* * *

1. The importation of manufactured merchandise, the product of English manufacture or commerce, is prohibited, both by land and by sea, throughout the entire extent of the French Republic.

2. No vessel loaded, in whole or in part, with such merchandise may enter the ports of the Republic under any pretext whatsoever, on penalty of being seized immediately; except, however, in the cases provided for by the law of 23 Brumaire, Year III.²⁶

²⁵ See Chapter Five, *supra*, Section VI, note 63.

²⁶ i.e., 13 November, 1794. This law amended an earlier law to the effect that in cases of involuntary failure to comply with a formality in customs laws, the revenue authorities might reduce the penalty. [See *Recueil gtntral annoti des Lois, dtcrets ordonnances* etc. . . . avec des notices par Mm. Odilon Barrot, Vatimesnil, Ymbert (Paris, 1835), v. 5, p. 384, n. 537.] As in the case of three previous footnotes, the editor is indebted to Mr. Donald G. Patterson and his staff in the Reference Department of the Library of Congress for assistance in locating this information

3. Ships of over 100 tons which are forced by circumstances to put into port are excepted from the preceding article if the urgency of the circumstances is verified in the manner prescribed by law;

[The remainder of article 3 provides for certain precautionary formalities with regard to the cargo.]

4. Merchandise of English manufacture which is confiscated or found in a wrecked or stranded ship, or in a ship captured from the enemy, shall be subject to bond and re-export, and may be sold only under such conditions.

5. The following imported articles, whatever their origin, are regarded as the product of English manufacture:

1st, Every kind of velveteen, all stuffs and cloths of wool, cotton, and hair, or mixtures of such materials; every sort of pique, dimity, nankinettes, and muslinettes; spun woolen, cotton, and hair, and “English” carpets;

2nd, Every kind of hosiery, cotton or wool, plain or mixed;

3rd, Buttons of every kind;

4th, Every kind of plate, fine hardware, cutlery, toys, clocks and watches, and other articles in iron, steel, tin [*etain*], copper, brass, cast iron, sheet iron, tinplate, or other metals, polished or unpolished, pure or mixed;

5th, Hides, tanned, curried, or dressed, worked or not worked; carriages, set up or not set up; harness and all other articles of saddlery;

6th, Ribbons, hats, gauzes, and “English” shawls;

7th, Every kind of skin for gloves, breeches, and waistcoats, and said same articles made up;

8th, Every kind of glassware and crystal, except the glass used in making spectacles and clocks and watches;

9th, Refined sugar, in loaf or in powder;

10th, Every kind of earthenware or pottery known as “English” pipe clay or stoneware.

6. Dating from the publication of the present law, all persons are forbidden to sell, or to expose for sale, any product of English manufacture or commerce, and all printers are forbidden to print any notice announcing such sales.

All signs or posters indicating stores or sales of English merchandise shall be removed within twenty-four hours.

7. Every individual who possesses products of English manufacture, either for his personal profit, or for the profit of another, or only in trust, shall be required, within three days of the publication of the present law, to remit to the municipal administration of the canton where said products are located a detailed statement of their quantity, quality, and value.

.

8. Refined sugar, in loaf or in powder, at present in the interior, shall not be subject to . . . the preceding article.

.

11. After the expiration of the time limits established by paragraph 1 of article 7, the customs officers, accompanied by a municipal administrator, may visit, by day only, houses, within three leagues of the frontiers and coasts, which are designated to them as containing or concealing merchandise of English manufacture or commerce.

12. A municipal administrator, accompanied by the commissioner from the Executive Directory, may also visit, by day, within the • *arrondissement* of his canton, houses occupied by citizens engaged in commerce, for the purpose of ascertaining contraventions of the preceding articles.

13. All articles of foreign manufacture not included in article 5, and the entry of which is not prohibited by existing laws, shall be admitted into the interior of the Republic only when accompanied by certificates stating that they are manufactured in countries with which the Republic is not at war, in conformity with the law of 1 March, 1793.²⁷

Articles of Indian manufacture may be imported only when accompanied by certificates issued by Dutch or Danish companies, visaed by French consuls, stating that such articles are the product of the commerce of these companies.

14. If verification of the said merchandise prove it to be a product of English manufacture or commerce, it shall be seized, irrespective of the certificates accompanying it.

15. Any contravention of the above articles shall occasion the arrest of the offender, and his

arraignment before the court of correctional police in the *arrondissement* where the offence has been verified; the sentence shall always entail confiscation of the merchandise, vessels, horses, carts, or other vehicles used in transporting the said merchandise.

Moreover, the delinquent person shall be sentenced to a fine of

27 Decree annulling treaties with enemy states [Duvergier, v. 5, pp. 176]. triple the value of the articles seized, and to imprisonment for not less than five days or more than three months.

All brokers, agents, and underwriters who co-operate in the importation or sale of the merchandise above designated shall be included among the offenders.

16. The confiscation shall be declared to the profit of the distrainers and of all those who have aided in the arrest, in conformity with the law of 15 August, 1793.[12](#)

One-sixth shall be granted, in the form of an indemnity, to the municipal administrators and the commissioners from the Executive Directory in all cases where their presence is required by law.

17. All military posts, national *gendarmes*, National Guards on service, and generally all public functionaries are enjoined to arrest all individuals found in possession of articles of English manufacture or commerce . . .

19. The law of 18 Vendemiaire, Year II,¹³ and all other provisions of preceding laws not in conformity with the present resolution are abrogated.

III. FOREIGN POLICY; THE FIRST PHASE OF BONAPARTE'S ITALIAN CAMPAIGN¹⁴

Perhaps the main problem inherited by the Directory was that of foreign war— for France was still at war with England and Austria. Austria was the more accessible assailant, and her defeat doubtless could be accomplished most effectively by Jourdan and Moreau with the armies of the Rhine.

Meanwhile, a backdoor campaign would be waged in Italy, not only to harass Austria, but to obtain compensation with which to appease her when, at the peace, France would force her to cede the “left bank.”³¹

The plan to wage the important part of the war in the Rhineland, however, was soon changed. Vienna remained the goal, but Bonaparte shifted the field of action to Italy. In March of 1797 he had been given a dubious reward in the form of the Italian command. In the following month he betook himself to that graveyard of military reputations, where, undoubtedly, the Directors assumed that he would soon be forgotten.

At first received with antagonism, Bonaparte rapidly won the confidence and co-operation of his staff, the men who ere long were to gain immortality as his marshals. His policy may be summed up as twofold: to follow his own devices; and to render himself materially independent of the government by making his campaigns pay. Both phases of the

policy proved to be successful, partly because the Directory was in no position either to dictate to him or to provide him with essential supplies.

This is not the place for a detailed study of Bonaparte's first Italian (or, for that matter, any other) campaign. Suffice it to mention a few of the high lights. First must be noticed the beginning of a policy of propaganda, which was to characterize his entire career (140). Again, there are apparent what today would be called "blitzkrieg" military tactics. Third, it should be noted that, at least during the early part of the campaign, he had the advantage of being opposed by a decrepit and indecisive general.

Separating the Austrians and their Sardinian allies, Bonaparte's armies defeated them; and on 28 April the Sardinians were granted an armistice at Cherasco.³² In May Bonaparte entered Milan, much to the concern of the Directors, who feared, and rightly, that he was getting out of hand; but their efforts to regulate his actions came to naught (141). And on the 15th of the month he completed peace negotiations with Sardinia (142).

Almost immediately the heads of most of the other Italian states hastened to make their peace with the conqueror, a peace which he was willing to grant at a price, usually in the form of a treaty of alliance and a monetary commitment. At the same time, Bonaparte took advantage of his chance to stimulate anti-Austrian sentiments by appealing to Italian national consciousness and urging the states to rebel against the "tyrant."

In June Bonaparte entered the Papal States, subjected the Pope to a confiscatory and monetary armistice,³³ and incidentally demonstrated a procedure by which he believed he could make war profitable. By the end of the year he also indicated the manner in which Italy was gradually coming under French control, by recognizing the union of Reggio, Modena, Bologna, and Ferrara into the Cispadane Republic, the first of his satellite creations.

Meanwhile the Austrians were temporarily immobilized in the fortress of

Mantua, and Bonaparte's negotiations with Spain (143) enabled the French to gain control of the western Mediterranean. All signs indicated that a French victory was not far off.

³¹ Concerning the economic war with England see documents 138, 139 *supra*

³² Martens, v. 6, pp. 208-210.

³³ Armistice of Bologna, 23 June, 1796 (5 Messidor, Year IV) [Clercq, v. 1, pp 276-277; Martens, v. 6, pp. 239-240]. , pp.

140. Bonaparte's Proclamations to the Army of Italy

27 March and 26 April, 1796 (7 Germinal and 7 Year IV)

SOURCE: Bonaparte, Napoleon, *Correspondence Napoleon Ier public par ordre de l'Empereur Napoleon III*, 32 v. (Paris, 1858-1870), v. 1, pp. 107, 187-188.

In both form and substance these two documents may be considered representative of the propagandist appeals with which Bonaparte stimulated his warriors throughout his campaigns. Invariably such appeals produced the desired results, and they stand as evidence of Bonaparte's skill in psychological strategy. Similar efforts by twentieth-century dictators provide interesting parallels.

*** * ***

Soldiers, you are naked, ill fed! The Government owes you much; it can give you nothing. Your patience, the courage you display in the midst of these rocks, are admirable; but they procure you no glory, no fame is reflected upon you. I seek to lead you into the most fertile plains in the world. Rich provinces, great cities will be in your power. There you will find honor, glory, and riches. Soldiers of Italy, would you be lacking in courage or constancy?

Soldiers:

In a fortnight you have won six victories, taken twenty-one standards, fifty-five pieces of artillery, several strong positions, and conquered the richest part of Piedmont; you have captured 15,000 prisoners and killed or wounded more than 10,000 men.

Heretofore you fought for sterile rocks, made famous by your prowess, but useless to the Patrie, today, by your accomplishments you equal the armies of Holland and the Rhine. Destitute of everything, you have supplied everything. You have won battles without cannon, crossed rivers without

bridges, made forced marches without shoes, camped without brandy and often without bread. Soldiers of liberty, only republican phalanxes could have endured what you have endured. Soldiers, you have our thanks! The grateful *Patrie* will owe its prosperity to you; and if, as conquerors of Toulon, you foreshadowed the immortal campaign of 1794, your present victories presage a still greater one.

The two armies which but recently attacked you with audacity are fleeing before you in terror; the wicked men who laughed at your misery and rejoiced at the thought of the triumphs of your enemies are confounded and trembling.

But, soldiers, as yet you have done nothing compared with what remains to be done. ...

Undoubtedly the greatest obstacles have been overcome; but you still have battles to fight, cities to capture, rivers to cross. Is there one among you whose courage is abating? . . . No, . . . All of you are consumed with a desire to extend the glory of the French people, all of you long to humiliate those arrogant kings who dare to contemplate placing us in fetters; all of you desire to dictate a glorious peace, one which will indemnify the *Patrie* for the immense sacrifices it has made; all of you wish to be able to say with pride as you return to your villages, "I was with the victorious army of Italy!"

Friends, I promise you this conquest; but there is one condition you must swear to fulfill—to respect the people whom you liberate, to repress the

I am writing to the Directory concerning the plan for dividing the army. I assure you that my only consideration in the matter is the *Patrie*. Furthermore, you will always find me dependable.

Since it is possible that my letter to the Directory might be misinterpreted, and since you have evidenced friendship towards me, I am taking the precaution of writing you, asking you to make such use of this letter as your prudence and your regard for me suggest.

Kellermann will command the army quite as well as I do; for no one is more convinced than I that victories are due to the courage and audacity of the army; but I believe that to unite Kellermann and myself in Italy would be to undo everything. I cannot serve willingly with a man who considers himself the foremost general in Europe; besides, I believe that one bad general is better than two good ones. . . .

I can be of use to you only if I enjoy the same confidence that you evidenced towards me in Paris. Whether I fight here or elsewhere is a matter of indifference to me. To serve the *Patrie*, to merit of posterity a page in our history, to give the Government proofs of my attachment and devotion—such is my sole ambition. But I have no desire to sacrifice two months' fatigue, pain, and danger in a week, and to find myself thwarted. I have begun with some glory, and I want to continue to be worthy of you. . . . [15](#)



the name of the French Republic, citizen Charles *Delacroix*, Minister of Foreign Affairs; and His Majesty the King of Sardinia, the *chevaliers de Revel* and *de Tonso*, to discuss in their name the provisions and conditions suitable for re-establishing and consolidating happy concord between the two States; who, after exchanging their respective plenary powers, have agreed upon the following articles.

1. There shall be peace, amity, and good understanding between the French Republic and the King of Sardinia. Dating from the signing of the present treaty, all hostilities between the two Powers shall cease.

2. The King of Sardinia revokes all adherence, assent, or accession, open or secret, given by him to the coalition armed against the French Republic, or to every offensive or defensive treaty of alliance that he may have concluded against her with any Power or State whatsoever. He shall furnish no quota, in men or money, under any title or denomination whatsoever, to any of the Powers armed against France.

3. The King of Sardinia renounces unconditionally, in perpetuity, for himself, his successors, and assigns, in favor of the French Republic, all rights he might claim over Savoy and . . . Nice . . .

4. The boundaries between the States of the King of Sardinia and the Departments of the French Republic shall be determined [then follows a detailed statement of the boundaries]. If any communes, settlements, or portions of territory of

said communes at present a part of the French Republic are situated beyond the frontier above designated, they shall continue to constitute a part of the Republic, and nothing in the present article may be construed against them.

5. The King of Sardinia pledges himself not to permit *emigres* or persons deported from the French Republic to stop or sojourn in his States. Nevertheless, he may retain in his service *emigres* from the departments of Mont-Blanc and Alpes-Maritimes, as long as they occasion no complaint by undertakings or maneuvers which tend to compromise the internal security of the Republic.

6. The King of Sardinia renounces all personal actions or claims for recovery which he might assert against the French Republic on grounds antedating the present treaty.

7. A commercial treaty between the two Powers shall be concluded immediately, on equitable bases designed to assure the French nation of advantages at least equal to those enjoyed in the States of the King of Sardinia by the most favored nations. Meanwhile, all commercial communications and relations shall be re-established.

8. The King of Sardinia obligates himself to grant a full and complete amnesty to those of his subjects who have been prosecuted for their political opinions; . . . All their real and personal property, or the price thereof if it has been sold, shall be restored to them without delay. . . .

[Article 9 deals with mutual replevin of sequestrations of private property.]

10. All prisoners of war shall be surrendered within a month of the exchange of ratifications of the present treaty, conditional upon the payment of any debts they have contracted during their captivity. The sick and wounded shall continue to be cared for in hospitals, and shall be returned as soon as they have recovered.

11. One of the Contracting Powers may not grant passage over its territory to troops of enemies of the other Power.

[Articles 12 and 13 specify the forts and territories to be occupied by the French until the commercial treaty has been concluded, general peace established, and the new boundaries allocated.]

14. The territories occupied by troops of the Republic, and eventually to be returned, shall revert to the civil government of His Sardinian Majesty; but they shall remain subject to the levy of military taxes, provisions, and fodder which have been or may be required for the needs of the French army.

[Article 15 provides for the destruction of certain Sardinian fortresses.]

16. The artillery of occupied places, the demolition of which is not stipulated by the present treaty, may be used in the service of the Republic; but it shall be restored to His Sardinian Majesty at the same time as the places themselves. Munitions and provisions found there may be used for the service of the

Republican army, without being subject to claims for recovery.

17. French troops shall enjoy free passage through the States of the King of Sardinia in going to and from the interior of Italy.

18. The King of Sardinia henceforth accepts the mediation of the French Republic in' terminating definitively the differences of long standing between His Majesty and the Republic of Genoa, and in resolving their respective claims.

19. In conformity with article 6 of the treaty concluded at The Hague, 27 Floreal, Year III,³⁴ the Batavian Republic is included in

³⁴ Document 122, *supra*. the present treaty. There shall be peace and amity between it and the King of Sardinia. Everything shall be re-established between them on the status quo ante bellum.

20. The King of Sardinia shall have his Minister to the French Republic disavow the treatment accorded the last Ambassador from France.

21. The present treaty shall be ratified and the ratifications exchanged not later than a month after the signing of said treaty.

[Signature]

Separate and Secret Articles

[Article 1 confirms French possession of certain territories, commodities, and privileges.]

[Article 2 permits the sons of the King of Sardinia to rejoin their father, but denies their claims against France.]

3. Citizens of the departments of Mont Blanc and Alpes-Maritimes who have been transported by order of His Sardinian Majesty or his agents shall be placed at liberty immediately.

4. The troops of His Sardinian Majesty shall be restored immediately to peace footing, and the militia demobilized and returned to their labors.

[Article 5 deals with further territorial problems.]

6. The King of Sardinia shall have the sequestration of vessels, which are in his ports and which belong to either the governments or the subjects of Powers hostile to the Republic, renewed without delay. He pledges himself, moreover, never to grant access or shelter to said enemy vessels, either during the present war or during those which might occur henceforth, and to take all measures within his power to prevent circumvention of the present article, under neutral flag or in any other manner. French vessels, on the other hand, shall always find refuge, security, and protection in all ports of the King of Sardinia, in both peace and war.

7. The King of Sardinia shall no longer use, in any act, titles of sovereignty or lordship over territories ceded by the present treaty.

[Signature]

143. Treaty of San Ildefonso

19 August, 1796 (2 Fructidor, Year IV)

SOURCE: Clercq, v. 1, pp. 287-291. See also: Duvergier, v. 9, pp. 178-184 [under date of 12 September, when treaty was ratified; contains both French and Spanish texts, but lacks secret articles]; *Moniteur*, 14 September, 1796 (28 Fructidor Year IV), Rep., v. 28, pp. 426-428 [lacks secret articles]; Martens, v. 6, pp. 255-262 [lacks secret articles]; Debidour, *Recueil des actes du Directoire extcutif* v 1 pp. 482-486.

This document is a naval and commercial pact, as a result of which France obtained, for the moment, control of the western Mediterranean.

Students should note the nature of the mutual obligations assumed, and the manner in which the secret articles involved Holland and Portugal.

*** * ***

The Executive Directory of the French Republic and His Catholic Majesty the King of Spain, animated by a desire to strengthen the bonds of amity and good understanding happily re-established between France and Spain by the treaty of peace concluded at Basle, 4 Thermi-dor, Year III of the Republic (22 July, 1795),³⁵ have resolved to negotiate an offensive and defensive treaty of alliance with regard to whatever affects the advantages and the common defence of the two nations; and they have charged with such important negotiation and have given plenary powers to, to wit:

[Then follow the names of the negotiators: for France, Perignon; for Spain, Godoy. The latter's titles merit notice, if only for their number. They include, among others, Prince of Peace, Spanish Grandee of the First Class, Knight of the Order of the Golden Fleece, Knight Grand Cross of the Order of Charles III, Knight Grand Cross of the Order of Malta, Councillor of State, First Secretary of State, Secretary to (and he might have added Lover of) the Queen, Superintendent of Postal Service and Highways, Patron of the Royal Academy of Fine Arts, of the Botanical Garden, and of the Astronomical Observatory Active Gentleman in Waiting to the King, Captain General of the Annies, Inspector and Major of the Body Guards.]

Who, after the communication and exchange of their respective plenary powers . . . , have agreed upon the following articles.

1. An offensive and defensive alliance shall exist in perpetuity between the French Republic and His Catholic Majesty the King of

Spain.

2. The two Contracting Powers shall be mutually guaranteed in the most incontestable and absolute manner, without reservation or

³⁵ See Clercq, v. 1, pp. 245-249. exception, in all the states, territories, islands, and fortresses *[places]* which they respectively possess now or henceforth; and if one of the two subsequently finds itself threatened or attacked under any pretext whatsoever, the other promises, pledges,

and obligates itself to provide its good offices and to aid it, upon its request, as stipulated in the following articles.

3. Within three months of the time of such request, the Power requested shall hold ready, and shall place at the disposal of the Power making the request, fifteen vessels of the line, ... six frigates . . . , and four corvettes . . . , all equipped, armed, provisioned for six months, and rigged for a year. Said naval forces shall be assembled by the Power requested in the ports designated by the Power making the request.

4. In the event that the Power making the request has deemed it advisable, in order to commence hostilities, to restrict by one-half the aid which is to be given it in execution of the preceding article, it may at all times during the campaign request the second half of the said aid, which shall be furnished it in the manner and at the time determined. Such time shall date only from the second request.

5. The Power requested shall likewise place at the disposal of the Power making the request, within three months of such request,

18,000 infantry and 6,000 cavalry, with a proportionate train of artillery, to be used only in Europe or in the defence of the colonies which the Contracting Powers possess in the Gulf of Mexico.

6. The Power making the request shall have the privilege of sending one or more commissioners to ascertain whether the Power requested is ready, in conformity with the preceding articles, to enter the

campaign, on the day determined, with the land and sea forces stipulated therein.

7. Such aid shall be placed entirely at the disposal of the Power making the request, which may leave it in the ports or on the territory of the Power requested, or use it in expeditions which it deems advisable to undertake, without being required to render account of the determining motives.

8. The request made by one of the Powers for the aid stipulated in the preceding articles shall suffice to prove the need thereof, and shall obligate the other Power to make it ready without the necessity of any discussion relative to the question of the offensive or defensive character of the war, or without any explanation whatsoever which might tend to evade the most prompt and exact fulfillment of the stipulations.

9. The troops and ships requested shall remain, throughout the entire duration of the war, at the disposal of the Power making the request, but under no circumstances shall it be responsible for their maintenance. The Power requested shall maintain them wherever its ally puts them into action ... It is agreed, however, that during the time that the said troops or ships sojourn on its territory or in its ports it shall furnish them, from its magazines or arsenals, with whatever they need, in the same manner and at the same price as its own troops or ships.

10. The Power requested shall immediately replace the ships of its contingent which are lost by

accidents of war or of sea; likewise, it shall repair the losses suffered by the troops of its contingent.

11. If the said aid is, or becomes, insufficient, the two Contracting Powers shall put into action, on land and sea, the largest forces possible against the enemy of the Power attacked, which shall use the said forces, either combining them or putting them into action separately, according to a plan devised between them.

12. The aid stipulated by the preceding articles shall be furnished in all wars waged by the Contracting Powers, even those in which the party requested might not be directly concerned and might act only as an auxiliary.

13. In the event that the motives for hostilities are detrimental to both Parties, and they proceed to declare war by mutual consent against one or more Powers, the limitations established in the preceding articles shall cease to be effective; and the two Contracting Powers shall be required to put the totality of their land and sea forces into action against the common enemy, to devise their plans in order to direct them towards the most suitable objectives, either separately or jointly.

They obligate themselves likewise, in the cases designated in the present article, to negotiate peace only by mutual consent, and in such a way that each of them obtains satisfaction.

14. In the event that one of the Powers acts only as an auxiliary, the Power that is attacked may treat for peace separately, but in such manner that no

prejudice to the auxiliary Powers results therefrom, and, if possible, so that it is even directly advantageous thereto. To which end the auxiliary Power shall be informed concerning the manner and time agreed upon for the opening and continuation of the negotiations.

15. A treaty of commerce shall be concluded immediately, on equitable bases, reciprocally advantageous to both peoples, and assuring each a marked preference in the country of its ally, for the products of its soil and manufactures, or, at the very least, advantages equal to those enjoyed in the respective States by the most favored nations. The two Powers pledge themselves to make common cause henceforth in repressing and abolishing the maxims adopted by any country whatsoever which might oppose their present principles and impair the safety of neutral flags, and the respect due them likewise in restoring and re-establishing the colonial system of Spain on its former footing, or on that which might have existed according to treaties.

[Article 16 provides for an agreement concerning consuls.]

17. In order to avoid any dispute between the two Powers, they have agreed to occupy themselves, immediately and without delay, with explaining and developing article 7 of the Treaty of Basle, concerning boundaries . . . ,³⁶

18. Since England is the only Power against which Spain has direct grievances, the present alliance shall be effective only against her during the present

war, and Spain shall remain neutral with regard to the other Powers armed against the Republic.

19. The ratifications of the present treaty shall be exchanged within a month of the signing thereof.

[Signature]

Secret Articles

1. The Executive Directory pledges itself to have the Batavian Republic participate, immediately after the signature of the treaty, in the offensive and defensive alliance and in the guarantee expressed therein.³⁷

2. The Executive Directory shall propose adherence to the treaty by other Powers that are deemed suitable to co-operate for general security. The bases of such adherence shall be arranged between the Executive Directory and His Catholic Majesty.

3. No French *emigre* shall be permitted on any ship of the navy or merchant marine of His Catholic Majesty, or in any military body which might be summoned to be united with the troops of the French Republic.

4. His Catholic Majesty shall use his influence or his authority to

³⁶i.e., Treaty of 22 July, 1795 [Clercq, v. 1, p. 246], pp³ 328-329]^aVian RepubUc acceded by a special act of 28 June, 1797 [Clercq, v. 1, induce or force Portugal to close her ports to the English when war is declared, and the Executive Directory of the French Republic

promises Spain all the aid necessary for such purpose should Portugal dare to resist the will of His Catholic Majesty.

5. In the event of a war involving both Contracting Parties, the warships and privateers of the French Republic may arm, supply, enter, leave, bring their prizes to and sell them in, and be repaired in the ports of the Island of Cuba, Trinidad, Porto Rico, and St. Augustine. Spanish warships and privateers, likewise, shall enjoy such advantages in all French ports and islands in the Antilles.

[Article 6 grants the French the same privileges with regard to Campeachy timber as those enjoyed by the English.]

[Signature]

IV. THE CLOSE OF THE ITALIAN CAMPAIGN³⁸

By February of 1797, after a long siege and several sensational battles, Bonaparte had captured Mantua, and the way was open to Vienna. This facilitated his consolidation of the armistice with the Pope in the Treaty of Tolentino (144). Attention then shifted briefly to England. At the end of 1796 Anglo-French relations had become complicated by the attempted invasion of Ireland by a French fleet with a force commanded by General Hoche. And in 1797, the peace negotiations which had broken down during the previous year were resumed at Lille, but again to no avail. It appeared, therefore, that, at least for the moment, Britain could be fought more effectively through commerce than on the battlefield.

In the Spring of 1797 the French continued their advance upon Austria— Hoche and Moreau from the Rhineland and Bonaparte from Italy, with Sardinia now as *his* ally (145). When he was within about one hundred miles of Vienna, Bonaparte offered the Austrians an armistice. In the first place, he had no desire to share the honors of victory with his fellow generals; and, in the second place, the terms which he presented the Austrians were not only more attractive than those prescribed by the Directory, but they were more in harmony with his own plans. In any case, on 18 April, 1797, an agreement was reached concerning the terms of the armistice (146).

As shown in section VI, *infra*, the ensuing Summer and Autumn months of 1797 brought the development of the armistice into a final peace with Austria. Meanwhile, in Italy Bonaparte proceeded with his plans for reorganization of

³⁸ For bibliographical data see note 30, *supra*. *the peninsula. On 15 June the ancient republic of Genoa was replaced with the Ligurian Republic.*³⁹ *And at the end of the month Bonaparte created, out of Lombardy and part of the Cispadane Republic (which now disappeared), the new Cisalpine Republic (148). Already he had sealed the fate of Venice. At Leoben, he had promised the Venetian mainland to Austria, and, through the use of his now familiar device of agents provocateurs, by May he had obtained control of that ancient territory (147), which henceforth he could, and did, use as a diplomatic pawn.*

In the meantime, developments were taking place in France which were to have a profound effect upon both domestic and foreign policy. The first elections since the inauguration of the Directory were to result in the first of the series of *coups d'etat* which ultimately were to end that body.

144. Treaty of Tolentino

19 February, 1797 (1 Ventose, Year IV)

SOURCE: Clercq, v. 1, pp. 315-316 [omits signature]. See also: Duvergier, v. 9, pp. 350-352 [under ratification date, 29 April]; *Moniteur*, 30 April, 1796 (11 Flor6al, Year V), Rep., v. 28, pp. 678-679; Martens, v. 6, pp. 241-245; *Correspondance de Napoleon Ier*, v. 2, pp. 344-347.

In this treaty Pius VI was penalized for his failure to adhere to his previous armistice with Bonaparte.⁴⁰ In addition to the usual provisions concerning territory and financial indemnities, the Revolutionary annexation of Papal lands was recognized, and the Papacy was brought virtually under French control.

1. There shall be peace, amity, and good understanding between the French Republic and Pope Pius VI.

2. The Pope revokes every adherence, consent, and accession, written or secret, given by him to the coalition in arms against the French Republic, and to every treaty of offensive or defensive alliance with any Power or State whatsoever. He pledges himself, for the present war as well as for future wars, not to furnish any of the Powers at war with the French

Republic with assistance in men, ships, arms, munitions, provisions, or money under any title or denomination whatsoever.

3. Within five days of the ratification of the present treaty His Holiness will disband the newly formed troops, retaining only the regiments that existed before the treaty of armistice signed at Bologna.

and 6 June, 1797 (17 and 18

³⁹ See previous secret convention with Genoa 5 Prairial, Year V) (Clercq, v. 15, pp. 138-1401.

⁴⁰ See note 33, *supra*.

4. Warships or privateers of Powers at war with the Republic may not enter, or remain in, the ports and roadsteads of the Ecclesiastical State during the present war.

5. The French Republic shall continue to enjoy, as before the war, all rights and prerogatives which France enjoyed at Rome, and shall be treated in every respect as are the most favored Powers, especially with regard to its Ambassador or Minister, and Consuls and Vice-Consuls.

6. The Pope renounces unconditionally all rights which he might claim over the cities and territories of Avignon, the Comtat-Venaissin, and its dependencies, and transfers, cedes, and abandons the said rights to the French Republic.

7. The Pope likewise renounces in perpetuity, and cedes and transfers to the French Republic all his

rights over the territories known as the *Legations of Bologna, Ferrara, and Romagna*; the Catholic religion shall not be impaired in the said Legations.

8. The city, citadel, and villages which constitute the territory of the city of Ancona shall be retained by the French Republic until the continental peace.

...

10. His Holiness pledges himself to have paid and delivered at Foligno, to the paymasters of the French army, before the 15th of the current month of Ventose (5 March, 1797, old style), the sum of

15.000. 000 French *livres tournois*—10,000,000 in cash and 5,000,-000 in diamonds and other valuable articles—towards the sum of approximately 16,000,000 which remain due according to article 9 of the armistice signed at Bologna, 3 Messidor, Year IV (23 June, 1796), and ratified by His Holiness 27 June.⁴¹

11. *In* order definitively to acquit the balance remaining to be paid for the entire execution of the armistice signed at Bologna, His Holiness shall furnish the army with 800 equipped cavalry horses, 800 draft horses, oxen, and buffaloes, and other products from the territory of the Church.

12. Apart from the sum mentioned in the two preceding articles, the Pope shall pay to the French Republic, in coin, diamonds, or other considerations, the sum of 15,000,000 French *livres tournois*, *10.000.000 of which shall be paid in the current*

month of March, and 5,000,000 in the current month of April.

⁴¹ See Clercq, v. 1, pp. 276-277.

13. Article 8 of the treaty of armistice signed at Bologna, concerning manuscripts and art objects, shall be executed in its entirety as promptly as possible.⁴²

[Articles 14 to 16 provide for French evacuation of territory upon the fulfillment of the requirements stated in articles 3, 10, 11, 12, and 13 above.]

17. The French Republic grants the Pope all rights over the divers French religious foundations in the cities of Rome and Lorette; and the Pope grants, in full ownership to the Republic, all allodial property belonging to the Holy See in the three provinces of Ferrara, Bologna, and Romagna, . . . ; in case of sale, however, the Pope reserves one-third of the sums accruing therefrom, which is to be remitted to his legal representatives.

18. His Holiness shall have the assassination of *Basseville*, the legation secretary, disavowed by a minister at Paris. His Holiness shall pay and place at the disposal of the French government the sum of 300,000 *livres*, to be divided among those who have suffered from said crime.

1

The first Directors were Barras, Rewbell, Le Tourneur, La R6vellfere-L6peaux, and Carnot. They wore official costumes and had the Luxembourg

Palace as their official residence. Madelin gives a vivid account of their first meeting.

2

For the membership of the component bodies of the government see Kuscinski, Auguste, *Les deutes au Corps Legislatif, Conseil des CiriQ-Cents, Conseil des Anciens de Van IV d Van VIII. Listes, tableaux et lois* (Paris, 1905).

Concerning the ministry see law of 2 October, 1795 (10 Vend6miaire, Year IV) [Duvergier, v. 8, pp. 305-306], and on the organization of the Legislative Bodv see law of 22 October, 1795 (30 Vend6miaire, Year IV) [*ibid.*, pp. 33 -338]

For obvious reasons biographical data concerning Bonaparte prior to 1795 must be omitted. Students are referred to the section on general secondary works in the Suggestions for Reading and Reference at the end of this chapter.

3

On taxation see: *Bloch, pp. 1-59 and 1170-1178 *passim*, 540-711, 1122 1141 [pp 50-57 give the taxation agencies of the Revolution].

4

see law of 9 June, 1797 (21 Prairial, Year V) [Caron, pp. 170-171]. Concerning the grain trade see: Caron, pp. 1-27 *passim*, 168-171 [pp. 13-15 give the agencies of the grain trade during the Revolution].

,

Relatively little of importance was accomplished in connection with agriculture during this period. See: Bourgin, pp. 241-260 *passim*, 383-403 [pp. 243-244 give the agricultural agencies during the Revolution].

[5](#)

See, for example, decree of 24 June, 1796 (6 Messidor, Year IV) [Duvergier, v. 9, pp. 112-113].

[6](#)

On commerce see: Schmidt, pp. 1-29 *p*269-301 [pp. 12-26 give the commercial agencies of the Revolution].

Concerning industry see: Schmidt, *Industrie*, pp. 1-21 *passim*, 104-135 [pp. 12-19 give the industrial agencies of the Revolution]. See also the data concerning Babeuf in the preceding section of the present chapter.

[7](#)

i.e., 17 September, 1797.

[8](#)

i.e., 19 and 23 Fructidor, Year V (5 and 9 September, 1797). Neither the editor, nor the academic friends to whom he has appealed, nor the Reference Department of the Library of Congress has been able to locate these messages. The content, however can be judged from the context here given.

[9](#)

See note 18, *supra*.

[10](#)

Ibid.

[11](#)

Ibid.

[12](#)

Decree restricting exports [Duvergier, v. 6, p. 93].

[13](#)

²⁰ 9 October, 1793 [document 104, *supra*]. (

[14](#)

Concerning Bonaparte's first Italian campaign see: Burton, R. G., *Napoleons Gampaigns in Italy, 1796—1797 and 1800* (London and New York, 1912),

Ferrero, Guglielmo, *The Gamble, Napoleon in Italy, 1796-1797*, tr. from the French by Bertha Pritchard and Lily C. Freeman (London, 1939); Wilkinson, Spenser, *The Rise of General Bonaparte* (Oxford, 1930); Gaffarel, P. L. U., *Bonaparte et les republiques italiennes (1796-1799)* (Paris, 1895).

Again, unfortunately, owing to lack of space, no consideration can be given to the relations of the Directory with the United States. There is an excellent summary of these relations by E. W. Lyon, "The Directory and the United States," in *The American Historical Review*, v. XLIII, no. 3, April, 19Jo, pp. 514-532.

Treaty of Peace between France and Sardinia

15 May, 1796 (26 Floreal, Year IV)

SOURCE: Clercq, v. 1, pp. 271-276. See also: Duvergier, v. 9, pp. 101-102 [under 19 May, date of ratification; lacks preamble and secret and additional articles]; *Moniteur*, 22 May, 1796 (4 Prairial, Year IV), Rep., v. 28, pp. 283-284 [lacks secret and additional articles]; Martens, v. 6, pp. 211-217 [contains both French and Sardinian ratifications, but lacks secret and additional articles]; Debidour, *Recueil des actes du Directoire executif*, v. 2, pp. 650-653.

The present treaty, signed at Paris, completed the negotiations begun at Cherasco in April. The document is of great significance as one of the first important examples of Bonaparte's diplomatic practices, and it indicates the general nature of virtually all his treaties. Items of special interest are those dealing with territories, indemnities, and commercial relations.

*** * ***

The French Republic and His Majesty the King of Sardinia, equally animated by a desire to terminate by a favorable peace the war which estranges them, have appointed, to wit: The Executive Directory, in

19. His Holiness shall have persons who are detained because of their political opinions placed at liberty.

20. Upon receipt of the ratification of the present treaty, the General Commander shall grant all prisoners of war of the troops of His Holiness liberty to return to their homes at once.

21. While awaiting the conclusion of a commercial treaty between the French Republic and the Pope, the commerce of the Republic shall be re-established and maintained in the States of His Holiness, on the most favored nation basis.

22. In conformity with article 6 of the treaty concluded at The Hague, 27 Floreal, Year III (14 May, 1795),⁴³ the peace concluded by the present treaty between the French Republic and His Holiness is declared common to the Batavian Republic. [1](#) [2](#) out exception, are obligatory in perpetuity upon His Holiness Pope *Pius VI* and his successors.

26. The present treaty shall be ratified as soon as possible.

[Signature]

145. Treaty of Turin

5 April, 1797 (16 Germinal, Year V)

SOURCE: Clercq, v. 1, pp. 317-319. See also: Duvergier, v. 10, pp. 84-85

[under ratification date, 25 October]; *Moniteur*, 26 October, 1797 (5 Brumaire, Year VI), Rep., v. 29, p. 49; Martens, v. 6, pp. 220-222; *Correspondence de Napoleon Ier* v. 2, pp. 453-456.

This treaty of alliance and commerce was designed to supplement the treaty of 15 May, 1796.⁴⁴ It was ratified in October, 1797.

The Executive Directory of the French Republic and His Majesty the King of Sardinia, wishing to contribute as promptly as possible, by every means within their power and by a closer union of their respective interests, to the conclusion of a peace which will fulfill the object of their desires and assure the peace and tranquillity of Italy, have determined to make an offensive and defensive treaty of alliance,

[Then follow the names of the diplomats appointed for that purpose, viz., General Clarke for France, and Clement de Riocca for Sardinia.] who, after exchanging their respective credentials, have agreed as follows:

1. There shall be an offensive and defensive alliance between the French Republic and His Majesty the King of Sardinia until peace has been made on the continent; at which time, said alliance shall be-come purely defensive, and shall be established on bases in conformity with the reciprocal interests of the two Powers.

2. Since the present alliance is designed to hasten the conclusion of peace and the assurance of the future tranquillity of Italy, it shall be executed,

during the present war, only against the Emperor of Germany, the sole continental Power opposed to such salutary wishes. His Majesty the King of Sardinia shall remain neutral with regard to England and the other Powers still at war with the French Republic.

3. The French Republic and His Sardinian Majesty reciprocally

⁴⁴ Document 142, *supra*. *guarantee to each other, in so far as they are able, their present possessions in Europe as long as the present alliance continues. The two Powers shall combine their forces against the common enemy from without, and shall lend no aid, directly or indirectly, to enemies within.*

4. The contingent of troops which His Sardinian Majesty is to furnish, at first and in consequence of the present alliance, shall be 8,000 infantry, 1,000 cavalry, and forty pieces of ordnance; in the event that the two Powers think that they ought to increase the contingent, such increase shall be planned and regulated by commissioners provided with plenary powers for such purpose by the Executive

Directory and His Majesty the King of Sardinia.

5. The contingent of troops and artillery shall be ready and assembled at Novara, to wit: 500 cavalry, 400 infantry, and twelve pieces of siege artillery, for 30 Germinal current (19 April, current, *style*); the remainder within two weeks.

Said contingent shall be maintained at the expense of His Majesty the King of Sardinia, and shall receive orders from the General in Chief of the French Army in Italy.

A special convention, drawn up in concert with the said General, shall regulate the manner of service of said contingent.

6. Dating from the day of the union of the contingent with the army of the Republic, the troops composing it shall participate, in proportion to their number now under arms, in the taxes imposed on conquered countries.

7. The French Republic promises to grant His Sardinian Majesty all advantages which circumstances permit at the general, or continental, peace.

8. Neither of the two contracting Powers may conclude a separate peace with the common enemy, and no armistice may be made by the French Republic with the armies overrunning Italy, without His Sardinian Majesty's being included therein.

9. Every levy of taxes imposed in the states of His Sardinian Majesty, and not acquitted or compensated for, shall cease immediately after exchange of the respective ratifications of the present treaty.

10. Supplies which, dating from the same time, are provided in the States of His Majesty the King of Sardinia for French troops and for prisoners of war brought into France, as well as those provided by virtue of special conventions negotiated thereon,

but not yet furnished or compensated for by the French Republic according to the said conventions, shall be provided likewise to the troops composing the contingent of His Sardinian Majesty; and if the supplies to be provided exceed the needs of the contingent, the surplus shall be rendered in cash.

11. The two contracting Powers shall immediately appoint commissioners to be responsible for negotiating, in their name, a treaty of commerce in conformity with the bases stipulated in article 7 of the treaty of peace concluded at Paris between the French Republic and His Majesty the King of Sardinia;⁴⁵ meanwhile, postal and commercial relations shall be re-established, without delay, as they were prior to the war.

12. The ratifications of the present treaty of alliance shall be exchanged at Paris as soon as possible.

[Signature]



146. Preliminaries of Leoben

18 April, 1797 (29 Germinal, Year V)

SOURCE: Clercq, v. 1, pp. 319-322. See also: Martens, v. 6, pp. 385-390; *Correspondance de Napoleon Ier*, v. 2, pp. 497-500.

These preliminaries were concluded at the Chateau of Eckenwald, near Leoben. As in the case of so many of Bonaparte's efforts in diplomacy, they were

negotiated independently of his official instructions. They should be compared with the final results as achieved at Campo Formio.⁴⁶

*** * ***

The Executive Directory, in the name of the French Republic, and His Majesty the Emperor, King of Hungary and Bohemia, equally animated by a desire to terminate the evils of war by a prompt, just, and stable peace, have agreed upon the following preliminary articles:

1. There shall be amity and good understanding between the French Republic and His Majesty the Emperor and King; hostilities between the two Powers shall cease from today henceforth.

2. The French Republic and His Majesty the Emperor and King shall preserve between them the etiquette, with regard to rank and other formalities, observed between France and the Emperor prior to the present war.

⁴⁵ **Document i42, *supra*.**

⁴⁶ **Document 151, *infra*.**

3. The French Republic and His Majesty the Emperor pledge themselves to do all within their power to contribute to the internal peace of the two States.

4. The two Contracting Powers shall send Plenipotentiaries to the

City of Berne as soon as possible, to negotiate and conclude within three months, or sooner if possible, the definitive peace between the two Powers. Plenipotentiaries of their respective Allies shall be admitted to said congress if they accede to the invitation given them.

5. His Majesty the Emperor desiring the re-establishment of peace between the Germanic Empire and France, and the Executive Directory of the French Republic wishing likewise to manifest to His Imperial Majesty its desire to establish said peace on stable and equitable bases, agree to a cessation of hostilities between the Germanic Empire and France from today henceforth. A congress formed of respective Plenipotentiaries shall be held to negotiate and conclude the definitive peace between the two Powers, on the basis of the integrity of the Germanic Empire.

6. His Majesty the Emperor and King renounces all his rights over the Belgian provinces known as the Austrian Netherlands, and recognizes the boundaries of France decreed by the laws of the French Republic. Said renunciation is made under the following conditions :

[The first two conditions provide for French assumption of mortgage debts in ceded territories, and for the emigration of Belgians.]

3rd, That, at the definitive peace, the French Republic furnish His

Imperial Majesty the Emperor and King with an equitable indemnification satisfactory to him.

7. The French Republic, on its part, shall restore to His Imperial Majesty whatever hereditary States of the House of Austria it possesses, apart from the Belgian Provinces.

8. Immediately after the ratification of the present preliminary articles by His Imperial Majesty, the French armies shall evacuate the

Austrian provinces occupied by them, to wit: Styria, Carinthia Tyrol Carniola, and Friuli. ' ' ,

9. After ratification of the preliminaries, prisoners of war shall be returned respectively to the several points designated by both parties

. . . the present preliminary articles . . . shall remain secret until the exchange of ratifications thereof . . .

[Signature]

Secret Preliminary Articles

The French Republic and His Majesty the Emperor, King of Hungary and Bohemia, agree upon the following articles:

1. Despite the provisions of article 7 of the preliminaries of peace concluded between the Contracting Powers under date of today, His Majesty the Emperor renounces that part of his States in Italy which lies beyond the right bank of the Oglio and the right bank of the Po, upon condition that His Imperial Majesty be indemnified therefor, as well as for those cessions made in article 6 of the preliminaries, by the part of the Venetian mainland included between the Oglio, the Po, the Adriatic Sea,

and his hereditary States, as well as by Venetian Dalmatia and Venetian Istria; and by such acquisition the engagements contracted by the French Republic with His Imperial Majesty by article 6 of the preliminaries are fulfilled.

2. The French Republic, on its part, renounces its rights over the three Legations of Romagna, Ferrara, and Bologna, reserving, however, the fortress of Castel-Franco, with a district the radius of which equals the distance from its walls to the confines of the State of Modena, which may not be less than cannon range. The part of the States of the Republic of Venice included between the Adda, the Po, the Oglio, the Valtellina, and the Tyrol shall belong to the French Republic.

3. The two Contracting Powers reserve and guarantee to each other the said States and territories acquired on the Venetian mainland.

4. The three Legations of Romagna, Ferrara, and Bologna, ceded by the French Republic, shall be granted to the Republic of Vence as indemnification for the part of its States mentioned in the three preceding articles.

5. The Executive Directory of the French Republic and His Majesty the Emperor shall co-operate in removing all obstacles which might oppose the prompt execution of the preceding articles, and shall appoint Commissioners or Plenipotentiaries for such purpose.

[Article 6 provides for the return of certain fortresses and chateaux to the Emperor. Article 7

provides for the return of the equipment of said fortresses.]

8. The two Contracting Powers agree that the part of the States of Italy ceded by His Majesty the Emperor and King in article 1 of the present secret articles, and the part of the Venetian States acquired by the French Republic by article 2, henceforth shall-form an independent republic.

9. Upon condition that the French Republic join His Majesty the Emperor in obtaining at the general peace, and at that with the Uer-manic Empire, a compensation in favor of the Duke of Modena an his legitimate heirs, His Imperial Majesty will not oppose the arrangements which the French Republic has made with the duchies of Modena, Reggio, and Massa-Carrara.

10. The countries respectively exchanged by virtue of the preceding articles shall preserve their privileges, and the debts mortgaged on land shall accompany the territory and shall remain in the hands of their possessors.⁴⁷

⁴⁷ The text in Martens says “*new* possessors.” its rights of sovereignty, orders the abdication of its hereditary aristocracy, and recognizes the sovereignty of the State in the assembly of all citizens; upon condition, however, that the government guarantee the national public debt, the maintenance of poor nobles who possess no landed property, and the life pensions granted by reason of letters conferring an appointment.

[Article 11 provides for emigration of the inhabitants of the said countries.]

. . . the present secret articles . . . shall have the same force as if they were inserted, word for word, in the preliminary articles . . .

[Signature]

147. Treaty of Milan

16 May, 1797 (27 Floreal, Year V)

SOURCE: Clercq, v. 1, pp. 324-326 [secret articles are in v. 15, pp. 137-138]. See also: Martens, v. 6, pp. 391-393; *Correspondance de Napoleon Ier* v. 3, pp. 49-52.

The Treaty of Milan represents Bonaparte's solution for what remained of Venice after Leoben. It illustrates the ruthless manner in which he interfered in the affairs of other States, and it marks the end of the ancient Venetian Republic.

*** * ***

The Executive Directory of the French Republic and the Grand Council of the Republic of Venice, wishing to establish without delay the harmony and good understanding which formerly existed between them, agree upon the following articles:

1. There shall be peace and amity between the French Republic and the Republic of Venice. All hostilities shall cease, from this time henceforth.

2. The Grand Council of Venice, desiring the welfare of its *Patrie* and the happiness of its fellow citizens, and wishing that the uprisings which have taken place against the French may never recur, renounces

3. The French Republic, upon the request made to it, wishing to contribute as much as possible to the peace of the city of Venice and the happiness of its inhabitants, grants a division of French troops to maintain order and the security of persons and property therein, and to aid the initial steps of the government in all branches of its administration.

4. Since the stationing of French troops in Venice is only for the protection of citizens, they shall retire as soon as the new government is established and has declared that it no longer needs their assistance. The other divisions of the French army likewise shall evacuate all parts of the Venetian territory occupied on the mainland at the time of the conclusion of continental peace.

5. The first care of the provisional government shall be to terminate proceedings against the inquisitors and the commandant of the fort of Lido, accused of being the authors and instigators of the Veronese Vespers and the assassination committed in the court of Venice; moreover, it shall disavow said deeds in the manner most suitable and satisfactory to the French Government.

6. The Executive Directory, on its part, through the agency of the General in Chief of the army, grants pardon and general amnesty to all other Venetians accused of having taken part in any

conspiracy against the French army, and all prisoners shall be placed at liberty immediately after the pacification. The present treaty shall be ratified by the High Contracting Parties as soon as possible.

[Signature]

Secret Articles

1. The French Republic and the Republic of Venice shall agree upon the exchange of divers territories.

2. The Republic of Venice shall pay to the treasury of the paymaster of the Army of Italy 3,000,000 *tournois* in cash, to wit:

1,000,000 in the month of Prairial next, 1,000,000 in the month of Messidor, and 1,000,000 when the provisional government is entirely organized.

3. The Republic of Venice shall furnish likewise 3,000,000 *tournois* in hems, rope, rigging, and other articles necessary for its navy, upon the request of the commissioners appointed by the General in Chief of the army, in so far as such items actually exist in the magazine or depository of the arsenal.

4. In addition, the Republic of Venice shall furnish three vessels of the line and two frigates in good condition, armed and equipped with all that is necessary, not including the crew, at the choice of the General in Chief, who, on his part, promises the Venetian Government the mediation of the French Republic in terminating disputes arising between the Republic of Venice and the Regency of Algiers.

5. Finally, the Republic of Venice shall remit to the commissioners designated for such purpose twenty pictures and 500 manuscripts which are to be chosen by the General in Chief.

The five articles above . . . are . . . inherent in the open treaty concluded this day between the two Republics, . . .

[Signature]

148. Bonaparte's Proclamation on the Cisalpine Republic

29 June, 1797 (11 Messidor, Year V)

**SOURCE: *Correspondance de Napoleon Ier*, v. 3, p. 153.
See also: Martens, V. 6, pp. 401-402.**

The Cisalpine Republic, the first of Bonaparte's republican satellite creations to endure for any length of time, was also among the first examples of his mockery of freedom and constitutional government. This proclamation of the republic is typical of his Machiavellian tactics. ensuing revolution is the most terrible of calamities, it gives the Cisalpine people its own constitution, the result of the wisdom of the most enlightened nation of Europe.

The Cisalpine people, then, are about to pass from a military government to a constitutional regime.

In order that such change may be effected without violence, without anarchy, the Executive Directory has seen fit, for the present only, to have the members of the Government and the Legislative

Body appointed, so that the people may make appointments to vacant positions only after a lapse of one year, in conformity with the Constitution.

For years, there have been no republics in Italy. The sacred fire of liberty was extinguished there, and the most beautiful part of Europe was under the yoke of foreigners.

It is for the Cisalpine Republic to show the world, by its wisdom, its energy, and the good organization of its armies, that modern Italy has not degenerated, and that it is still worthy of liberty.

V. THE FIRST COUP D'ETAT: 18 FRUCTIDOR

The first elections under the Constitution of the Year III were scheduled for 1797. By that time a combination of circumstances—dissatisfaction with both domestic and foreign policy, and lack of prosperity—had gone far towards making the government unpopular. Active opposition materialized from two groups, one inside the Councils, the other outside. A radical minority of the so-called “Clichien” constituted the former group; a coterie of royalist enthusiasts, subsidized by England, made up the latter. The Clichien minority hoped to win a majority in the elections, and then to remove many of what they considered undesirable laws against anti-revolutionary elements; the aims of the royalists were self-evident. It should be remembered at this point that the government was still in the hands of *revolutionaries*, however conservative their ideas about what constituted a revolution.

When the elections came in the late Summer, the opposition forces, largely because of their excellent organization, soundly defeated the government candidates. On the surface at least, the results of the election suggested an incontestable triumph, if not for royalists at least for anti-revolutionaries. What would the new legislators do about the old revolutionaries in the legislative and executive branches of the government?

The answer was not long in coming, but the initiative was taken by the "old guard," the continuing members of the Councils and the Directory. They were in a position to control troops, and they appealed to Bonaparte for aid. Unable to appear in person, Bonaparte sent Augereau. The new councillors also were planning—to arrest the Directors and the remaining “conventionnels”; but the old ones acted first. On 4 September, 1797 (18 Fructidor, Year V) they carried out a purge of the royalist councillors, following which the remainder nullified some two hundred of the recent elections.⁴⁸ And a few days later they issued an explanatory proclamation concerning what had occurred (149).

⁴⁸ On 5 September, 1797 a law was used against royalist conspiracies

[Duvergier, v. 10, pp 34-37] Many of the recently elected councillors were deported.

Thus ended the last serious effort on behalf of royalism for some time to come. Ominously, however, another victory had been won with the backing of armed forces. Meanwhile, in Italy

Bonaparte was rushing to completion his peace negotiations with Austria.

149. Proclamation of the Directory to the French People

9 September, 1797 (25 Fructidor, Year V)

SOURCE: ***Moniteur*, 14 September, 1797 (28 Fructidor, Year V), Rep., v. 28, pp. 816-817.**

In the light of similar documents previously cited in this book, it should be obvious that this is essentially a propagandist tract! Its basic objectives were to break royalism and to consolidate the position of the government.

*** * ***

The French people have entrusted the custody of their Constitution primarily to the fidelity of the Legislative Body and the executive power.⁴⁹

⁴⁹ See Constitution of Year III, art. 377 [document 123, *supra*].

The integrity of such confidence has been threatened by a royalist plot, organized long since, woven with skill, and pursued with constancy. The Executive Directory has discovered the conspiracy; the guilty parties have been apprehended; the Legislative Body has promptly taken the measures which circumstances necessitated.

Blood has not been shed; wisdom has governed force; valor and discipline have moderated the use thereof. National justice has been consecrated by

the composure of the people. It was obvious to everyone that there was no desire to displace anything, but that there was a desire to return everything to its place.

The Legislative Body and the Executive Directory have performed their duty.

The Directory: First Phase

But the French people have also entrusted their fundamental charter to the fidelity of administrators and judges, to the enlightened vigilance of the fathers of families, to wives and mothers, to the virtuous affection of the young citizens, and finally to the courage characteristic of all Frenchmen.⁵⁰

Administrators, judges, fathers of families, wives, mothers, young citizens, Frenchmen of every age and calling, have you fulfilled your oaths? Have you kept the trust imposed upon you?

Frenchmen, open your eyes: perceive, for it is high time, the trap into which the friends of kings and the enemies of France wished to lure you.

In order to put you back under the yoke which you have broken, in order to return you thereto in some way of your own accord, they had introduced into all your magistracies corrupt men, as skillful as they were perverse, and capable of directing against the liberty of the people the power which they had received to defend and strengthen it.

In your courts they had prevaricating judges, abusing the independence which the Constitution

had given them, and using their rights only to absolve or protect the enemies of the *Patrie*.

Above all they had left nothing undone in order to turn France back to monarchical forms, and to subject institutions, festivals, manners, and customs to despotism. They were well aware that man is a creature of habit, and that by changing his habits he himself is changed.

Monarchical forms doubtless suited the purpose of the conspirators admirably; it was important for them to remake the mass of the nation in the royal mold; but the indignant nation spurns them. The Republic has triumphed, and republican forms are to manifest and consolidate its triumph; this is to be the sign and the fruit of victory.

The republican spirit, republican morality, republican institutions and customs are to prevail today; but in order to embrace them, we must better understand them and begin by forming more exact con-

ceptions of them.

The republican spirit . . . good, and kind among men.

Among a people animated with this divine spirit, justice presides over social relations; no one seeks to harm the interests of others; the equality of citizens induces them to help one another. If disputes arise, the right to judge them is not a

lucrative trade which inspires desire to perpetuate them; republican justice is the sister of peace.

⁵⁰ See note 49, *supra*.

The sweetest, purest sentiments of nature . . . reign in the bosom of families and make of all blood ties bonds of fraternity, love, and happiness. .

The arts bring the wealth of their pleasures and the pomp of their masterpieces in homage to the public weal. Eloquence, poetry, and music unite to incite love of the *Patrie* in all hearts, and to exalt courage. Valor and genius are the children of liberty; the brush, the chisel, noble architecture, raise monuments thereto. The stage resounds with oracles of morality, sacred maxims of philosophy, great examples of virtue.

The fine arts triumph especially in the national festivals . . .

In a Republic, the writers and men of letters gain distinction from liberty, profess its maxims, set education and enlightenment against error, fanaticism, and falsehoods, lend the support of their talents to the reign of law, and add to its force the supplement of their genius. They seek the true principles of morality and liberty; they inspire them and propagate them; they teach the citizens to love one another more and to love their country better.

It is there that public education must flourish; . . . Private instruction always accords with public instruction; the former prepares for and leads up to the latter. Both are supervised by magistrates; and

these magistrates, in turn, either by public reading of the acts of the government, or by their care in having enlightenment disseminated, or by their zeal in bringing about the celebration of the republican games and national festivals, above all, by the living example of their conduct and morals, these magistrates also are the teachers of the people.

Finally, it is there that reign the most powerful force and the greatest motive power of praiseworthy actions and courageous traits, that sacred emulation which induces citizens to surpass themselves in vying with one another for private virtue and public usefulness. The universal law for the chief offices in the State is the first clause of the pact of equality. No distinction of birth or privilege, but merit alone is honored; an imperative incentive to raise men to conceive great thoughts and to attempt great deeds.

French people, that is what you ought to be! Already you would be if you had become thoroughly imbued with the spirit of your Constitutional Act, if you had not listened to those who have defamed the republican, spirit in order to re-establish the yoke of priests and kings.

Ah! Stop believing them; hasten to leave the path which they had planned for you, and which could lead you only to your shame and ruin. You ought to be the model and arbiter of peoples; they wished, on the contrary, to have you become their disgrace. See also how they have deceived you! See whether the Republic is a reign of terrorism! The Republic has triumphed, and yet the blood of the traitors has been spared. No, it is not blood which holds Republics together. For the despotism of a single

individual, blood must be shed; but in order to establish equality, only laws are necessary.

The Constitution is to be the rule of your morality and the guide of your life. Have your children so taught, and retain and practice yourselves the declaration of rights and duties; resume with eagerness the republican usages which will soon distinguish you among peoples, and which will make you forever the example for free nations.

Renounce servile abuses; use your calendar, . . . which, by an admirable stroke of republican destinies, reminds you that the sun recommences the year on the day that the Republic began.

For your days of rest, constantly prefer those which the law indicates; . . .

May the meeting places of trade, the fairs and the markets henceforth be in accord with the republican era. All civil business must be regulated only by civil laws. Any usurpation in the domain of law must cease in the Republic.

Bear the name of citizen with justifiable pride; . . . May that name be dear to you; never use any other, unless it is in scorn. . . .

May the national spirit take form with you, and rise to the level of your noble destinies. Be the first free people, and may the title of *French citizen* be the most sublime of all titles.

May taste and propriety determine your apparel; may pleasing simplicity never be banished

therefrom; may youth avoid ostentation and affectation; . . .

Guard against intemperance, for it is a vice of slaves; frugality is one of the virtues which distinguish a free people.

Be human and compassionate; it is among free people that humanity, trampled under foot by despots, may breathe; the altar of mercy is in the heart of the free man.

Remember the principles which your immortal Montesquieu attributes to the three governments; he assigns to despotism the foundation of terror; honor is the phantom which follows in the wake of kings; but the basis, the essence, of republics is virtue.

French people! See in this word what your Constitution, your government, your country require of you today; ... Be virtuous, love your Constitution, your government, and your *Patrie*, and you will be Republicans; and nothing will equal your glory and happiness.

You must be devoted to your government, as the two supreme powers instituted by you are now devoted to each other.

Be impressed by this great example.

The royalist conspirators had disunited these powers; and by breaking that bond, that key to the vault of the social edifice, they had almost succeeded in dissolving the Republic. Thanks to

your destiny, the conspirators no longer exist, either in the Directory or in the two Councils. The Councils and the Directory proceed harmoniously, and the Republic is saved.

Long live the Republic!



VI. THE PEACE OF CAMPO FORMIO

During the Spring and Summer of 1797 Bonaparte held court at the Castle of Mombello, near Milan.⁵¹ There he was waited upon by the most eminent persons of all the Italian States, each obviously seeking favors and salvation for his own principality. There, too, he was joined by Josephine, his recently acquired wife.

By early Autumn the General was back in Venetia, this time to consolidate the terms of Leoben in a final peace with Austria. That his time was occupied as well with problems connected with the reorganization of Italy is apparent from his correspondence with Talleyrand (150). According to Leoben, the peace conference should have been held at Berne; instead, it took place at Udine, in Venetian territory, which Bonaparte considered a more strategic location at the moment.

Negotiations opened on 31 August, with Gallo and Merveldt representing Austria, Bonaparte representing France. Late in September Merveldt was succeeded by Cobenzl, the leading diplomat of Vienna; but even this was apparently not sufficient

to match the efforts of the new star in the European diplomatic galaxy. Cobenzl, basing his arguments principally upon article 5 of Leoben,⁵² made his primary objective the maintenance of the territorial integrity of the Empire. Bonaparte was chiefly concerned with establishing French possession of the left bank of the Rhine securely, and with obtaining control of the Adriatic as well.

⁵¹ Usually referred to as *Montebello*, though Kircheisen differentiates between them [see Kircheisen, *Napoleon*, p. 120, n. 1], Ironically, the castle is now part of an asylum for the insane.

⁵² See document 146, *supra*.

Finally, by 16 October, an agreement had been reached. At the village of Campo Formio,⁵³ midway between their respective headquarters, at midnight on that date, Cobenzl and Bonaparte met and signed the texts; dating them 17 October (151). And none too soon, for already dispatches were on their way to Bonaparte, advising him to follow a policy quite different from that just completed. Faced with a *fait accompli*, however, the Directory could not choose but accept.

Thus ended the war which had begun between France and Austria in 1792 as a fraternal crusade for the liberation of oppressed peoples, and had developed into a vast imperialistic contest. England alone remained at war with France. Malmesbury, his peace efforts at Lille having come to naught,⁵⁴ returned to London, convinced that peace could be achieved only by fighting.

Article 20 of the open text of Campo Formio provided that a congress of representatives of France and the Empire should meet at Rastadt to ratify those portions of the document which pertained to the Germanies as a whole. Pending his attendance at the Congress (on his way back to Paris) Bonaparte devoted his attention to completing the details of his Italian enterprise and preparing for a suitable homecoming.

150. Letter from Bonaparte to Talleyrand concerning Italian Constitutions

***19 September, 1797 (3rd Complementary Day, Year V)* SOURCE: *Correspondance de Napoleon, Ier*, v. 3, pp. 313-315.**

In some respects this is one of the most significant documents connected with Bonaparte. It shows the destroyer and the builder of states as a political philosopher. The comments on the English Constitution and on Sieyes reveal an astute appreciation of political institutions and ideas.

*** * ***

In spite of our pride, our thousand and one pamphlets, and our random and prating speeches, we are extremely ignorant of the science of political conduct. We have not yet defined what is meant by executive, legislative, and judicial power. Montesquieu gave us false definitions, . . . [because] as he himself said, his work was only a kind of analysis of what had once existed, or still existed in his time; it was a resume of notes made during his travels or his reading.

His eyes were fixed on the government of England; he defined the executive, the legislature, and the judiciary in general.

⁵³ Kircheisen, *Napoleon*, uses the name *Campoformido*; but Campo Formio is used commonly by most of the other students of the period.

⁵⁴ See Section IV, *supra*.

Why, indeed, should the right of declaring war and peace, the right of determining the amount and character of taxes be regarded as an attribute of the legislative power?

The constitution has rightly entrusted one of these functions to the

House of Commons, and it is a good arrangement, because the English constitution is only charter of privilege: it is a black ceiling bordered in gold.

Since the House of Commons is the only body which, for better or worse, represents the nation, it alone ought to have the right to impose taxes; it is the only bulwark they have been able to find to moderate the despotism and insolence of courtiers.

But in a government where all authority emanates from the nation, where the sovereign is the people, why classify among the attributes of the legislative power matters that are alien to it?

I see only one thing that we have really defined during the last fifty years, that is the sovereignty of the people; but we have been no happier in the

determination of what is constitutional, than in the assignment of the different powers.

The organization of the French people is, then, still really only in outline form.

The governmental power, in all the latitude that I give it, ought to be considered the real representative of the nation, which ought to govern according to the constitutional charter and the organic laws. It is divided, it seems to me, between two quite distinct authorities. One of these supervises and does not act; to this body the power that we nowadays call the Executive would be obliged to submit important measures: . . . This great authority would be really the Great Council of the Nation; it would control every part of administration or execution which our present constitution entrusts to the legislative power.

Thus the governmental power would consist of two authorities nominated by the people, one a very large body, containing only men who had already performed some of the duties that give men experience in matters of government.

The legislative power would enact all the organic laws in the first instance, [and] would alter them, but not in two or three days, as at present; for once an organic law becomes effective, I think it should not be changed without four or five months' discussion.

This legislative power, without rank in the Republic, impassible hearing and seeing nothing of what goes on around it, would have no ambition, and would no

longer inundate us with a thousand circumstantial laws which nullify themselves by their very absurdity, and which make us a nation with three hundred law folios and not a single law.

This is, I believe, a complete code of politics, which present circumstances justify. It is a really great misfortune for a nation of thirty million people, and in the eighteenth century, to be forced to have recourse to bayonets in order to save the *Patrie*. Violent remedies discredit the legislator, for a constitution given to men must be devised for men.

If you see Sieyes, please show him this letter; I expect he will write me that I am wrong; but I assure you that I shall be delighted if you can do anything to send to Italy a man whose talents I admire, and whose friendship I hold quite dear. I will help him in every way, and I hope that, by our united efforts, we may give Italy a constitution more analogous to the manners of its people, its local conditions, and perhaps even to true principles, than that which we have given it....

To sum up: Not only ... do I want Sieyes to come to Italy, but I feel . . . that unless we give Genoa and the Cisalpine Republic suitable constitutions, France will derive no advantage therefrom; their legislative bodies, bribed by foreign gold, will be entirely at the disposal of the House of Austria and Rome. In the last analysis it will be just like Holland.

Since this letter is not a matter of tactics or a plan of campaign, I beg you keep it to yourself and Sieyes, and to use it as you see fit . . .

... [Signature] ³



Bonaparte were achieved; (2) the implications of the territorial provisions in so far as they affected France, Austria, the Empire, Italy, and Prussia, (3) relation of the secret articles to the open ones.

The treaty may be considered Bonaparte's first *major* diplomatic triumph. It achieved for France that dream of generations, the left bank. And French efforts to guarantee its observation were to have a profound effect on European history for more than a decade. Sieyes is said to have called it "not a peace, but a new war"!

*** * ***

His Majesty the Emperor of the Romans, King of Hungary and Bohemia, and the French Republic, wishing to consolidate the peace, the foundations of which were laid in the preliminaries signed at the chateau of Eckenwald near Leoben in Styria, 18 April, 1797 (29 Germinal, Year V of the French Republic, one and indivisible) ,⁵⁰ have appointed as their Plenipotentiaries, to wit;

[Then follow the names of the diplomatic representatives: for France, Bonaparte; for the Emperor, Marquis de Gallo, Count de Cobenzl, Count de Meer-veldt, and Baron de Degelmann.]

Who, after exchanging their respective plenary powers, have agreed upon the following articles:

1. There shall be a stable and inviolable peace, henceforth and forevermore, between His Majesty the Emperor of the Romans, King of Hungary and Bohemia, his heirs and successors, and the French Republic. The Contracting Powers will employ the greatest care in maintaining between them and their States a perfect understanding, without permitting henceforth, on either part, any kind of hostilities to be committed on land or on sea, for any cause or under any pretext whatsoever; and whatever might hereafter alter the happily established union shall be carefully avoided. No aid or protection shall be given, either directly or indirectly, to those who wish to do anything prejudicial to either of the Contracting Powers.

2. Immediately after the exchange of ratifications of the present Treaty, the Contracting Powers shall have raised all sequestrations which have been placed on the property* rights, and revenues of individuals residing in the respective territories and the countries united thereto and of public establishments situated therein; they bind themselves to acquit whatever they may owe for funds lent them by

⁵⁶ Document 146, *supra*. said individuals and public establishments, and to pay or reimburse all rents assigned to their profit from any of same. The present article shall apply likewise to the Cisalpine Republic.

3. His Majesty the Emperor . . . renounces, for himself and his successors, in favor of the French Republic, all his rights and titles to the former

Belgian provinces, known as the *Austrian Netherlands*.

The French Republic shall possess said territories in perpetuity, in full sovereignty and ownership, and all territorial property dependent thereupon.

[Article 4 provides for French assumption of mortgages in newly acquired territories.]

5. His Majesty the Emperor . . . consents that the French Republic possess in full sovereignty the former Venetian islands of the Levant, to wit: Corfu, Zante, Cephalonia, ... and other islands dependent thereon . . . , and in general all the former Venetian establishments in Albania below the Gulf of Lodrino.

6. The French Republic consents that His Majesty the Emperor and King possess in full sovereignty and ownership the territories hereinafter designated, to wit: Istria, Dalmatia, the former Venetian islands of the Adriatic, the mouths of the Cattaro, the city of Venice, the lagoons and territories included between the hereditary States of His Majesty the Emperor and King, the Adriatic Sea, and a line . . . beginning at Tyrol.

[Then follows a detailed explanation of the boundary which terminates at the mouth of the Po after following its left bank for some distance.]

7. His Majesty the Emperor . . . renounces in perpetuity, for himself, his successors, and assigns, in favor of the Cisalpine Republic, all rights and the titles deriving therefrom, which His said Majesty might claim over territories he possessed

before the war, and which now constitute part of the Cisalpine Republic; which shall possess them in full sovereignty and ownership, and all territorial property dependent thereupon.

8. His Majesty the Emperor . . . recognizes the Cisalpine Republic as an independent power. Said Republic includes the former Austrian Lombardy, Bergamo, ... the City and Fortress of Mantua, . . . [and] part of the former Venetian states; [then follows a specific designation] Modena, the Principality of Massa and Carrara, and the three legations of Bologna, Ferrara, and Romagna.

9. In all the territories ceded, acquired, or exchanged by the present treaty, all inhabitants and landowners whosoever shall be granted replevin of the sequestration placed on their property, effects, and revenues because of the war which has taken place between His Imperial and Royal Majesty and the French Republic . . . Those who henceforth wish to withdraw from the said territories shall be required to make declaration thereof three months after the publication of the definitive treaty of peace; they shall have three years in which to sell their real and personal property, or to dispose thereof as they wish.

10. The territories ceded, acquired, or exchanged by the present treaty shall convey their mortgaged debts to their new rulers.

11. The navigation of the part of the rivers and canals which serve as boundaries between the possessions of His Majesty the Emperor . . . and those of the Cisalpine Republic shall be free, without

either Power's being permitted to establish any toll thereon, or to maintain thereon any ship armed for war; which does not exclude the precautions necessary for the security of the fortress of Porto-Legnano.

12. All sales or alienations made, all engagements contracted, either by the cities or by the government or civil and administrative authorities of the former Venetian territories, for the maintenance of the German and French armies up to the date of signature of the present treaty, shall be confirmed and regarded as valid.

13. Within three months, dating from the exchange of ratifications, the domainal titles and archives of the several territories ceded or exchanged by the present treaty shall be remitted to the Powers which have acquired the property thereof. The plans and charts of the fortresses, cities, and territories which the Contracting Powers acquire by the present treaty shall be faithfully remitted to them. The military papers and registers taken in the present war . . . likewise shall be returned.

14. The two Contracting Powers . . . pledge themselves, in the most solemn manner, to contribute with all their power to the maintenance of the internal peace of their respective States.

15. A treaty of commerce shall be concluded immediately, on bases which are equitable and designed to assure to His Majesty the Emperor . . . and to the French Republic advantages equal to those enjoyed in the respective States by the most favored nations. Meanwhile, all commercial

communications and relations shall be reestablished on the prewar basis.

16. No inhabitant of any territories occupied by the Austrian or

French armies may be prosecuted or investigated, in either his person or his property, because of his political opinions or his civil, military, or commercial activities during the war which has taken place between the two Powers.

17. In conformity with the principles of neutrality, His Majesty the Emperor . . . may not receive in any of his ports, during the course of the present war, more than six warships belonging to each of the belligerent Powers.

18. His Majesty the Emperor . . . obligates himself to cede to the Duke of Modena, as indemnity for the territories which said Prince and his heirs possessed in Italy, the Briesgau, which he shall possess upon the same conditions as those by virtue of which he held Modena.

19. The unalienated real and personal property of Their Royal Highnesses the Archduke *Charles* and the Archduchess *Christine* situated in the territories ceded to the French Republic shall be restored to them, on condition that they be sold within three years. The same condition shall apply to the real and personal property of His Royal Highness the Archduke *Ferdinand* in the territory of the Cisalpine Republic.

20. A Congress, composed solely of Plenipotentiaries of the Germanic Empire and the

French Republic, shall be held at Rastadt for the pacification between said two Powers. Such Congress shall be opened one month after the signature of the present treaty, or earlier if possible.

21. All prisoners of war taken on either side, and hostages taken or given during the war, who have not yet been restored shall be returned within forty days, dating from the signature of the present treaty.

22. Whatever contributions, deliveries, provisionings, and prestations of war have taken place in the respective States of the Contracting Powers shall cease, dating from the day of the exchange of ratifications of the present treaty.

23. His Majesty the Emperor . . . and the French Republic shall preserve between them the same etiquette with regard to rank and. other formalities as that which was regularly observed prior to the war.

His said Majesty and the Cisalpine Republic shall have between them the same ceremonial of etiquette as that in use between His said

Majesty and the Republic of Venice.

24. The present treaty of peace shall apply likewise to the Batavian

Republic.

25. The present treaty shall be ratified by His Majesty the Emperor, King of Hungary and Bohemia, and the French Republic within thirty days from

today, or sooner if possible; and the acts of ratification shall be exchanged in due form at Rastadt.

[Signature]

Secret Articles

1. His Majesty the Emperor . . . consents that the limits of the French Republic extend to the line hereinafter designated, and pledges himself to employ his good offices in order that, at the time of the peace with the Germanic Empire, the French Republic may obtain said same line, to wit:

The left bank of the Rhine [then follows a detailed statement of the boundary].

And if, in spite of the good offices of His Majesty the Emperor .. the Germanic Empire does not consent to the acquisition by die French Republic of the line of demarcation hereinabove designated, His Majesty the Emperor and King formally undertakes to furnish to the army of the Empire only his contingent, which may not be employed in the fortresses without thereby constituting a breach in the peace and amity just established between His said Majesty and the French Republic.

2. His Majesty the Emperor . . . will employ his good offices likewise at the time of the pacifications with the Germanic Empire:

1st, In order that the navigation of the Rhine may be free to the French Republic, and to the States of the Empire situated on the right bank of said river, from

Hiiningen to the point where it enters the territory of the Batavian Republic;

2nd, In order that the passage of the German part of the Rhine opposite the mouth of the Moselle may never, under any pretext whatsoever, be a hindrance to the free navigation and egress of boats, barques, or other craft from the mouth of said river;

the point where the river enters Batavian territory may be suppressed.

3. His Imperial and Royal Majesty renounces, for himself and his successors, in favor of the French Republic, the sovereignty over and ownership of the County of Falkenstein and its dependencies.

4. The territories which His Majesty the Emperor ... is to possess by virtue of article 6 of the open definitive treaty signed this day

3rd, In order that the French Republic may have free navigation of the Meuse, and that all tolls and other dues established from Venloo to shall serve as compensation for the territories he has renounced by open articles 3 and 7 of the said treaty and by the preceding article.

Such renunciation shall not have force, however, until the troops of

His Imperial and Royal Majesty occupy the territory acquired by the said article 6. *

5. The French Republic will employ its good offices in order that His Majesty the Emperor may acquire in Germany the Archbishopric of Salzburg, and the part

**of the circle of Bavaria situated between
the Archbishopric of Salzburg and the Tyrol . . .**

6. At the peace with the Empire, His Imperial and Royal Majesty will cede to the French Republic the sovereignty and ownership of the Frickthal and all the possessions of the House of Austria on the left bank of the Rhine between Zurzach and Basle, provided that at said peace His Majesty obtains a proportionate compensation in Germany satisfactory to him. The French Republic will unite the said territories to the Helvetian Republic, according to whatever arrangements may be made between them, in so far as they are not detrimental to His Majesty the Emperor and King, or to the Empire.

7. It is understood, moreover, between the two Contracting Powers that if, at the time of the pending peace with the Germanic Empire, the French Republic makes an acquisition in Germany, His Majesty the Emperor ... is to obtain an equivalent thereto, and reciprocally if His Imperial and Royal Majesty makes an acquisition of such kind, the French Republic will obtain a like equivalent.

8. A territorial indemnification shall be given to the Prince of Nassau-Dietz, former Stadtholder of Holland. Such territorial indemnification may not be taken in the neighborhood of the Austrian possessions, or in that of the Batavian Republic.

9. The French Republic has no objection to restoring to the King of Prussia his possessions on the left bank of the Rhine. Accordingly, there shall be no question of any new acquisition for the King

of Prussia; [and] the two Contracting Parties mutually guarantee this.

10. If the King of Prussia consents to cede to the French Republic and to the Batavian Republic small portions of his territory which are on the left bank of the Meuse, ... His Majesty the Emperor . . .

will employ his good offices to render said cessions practicable, and to have them adopted by the Germanic Empire. Execution of the present article may not neutralize the effect of the preceding one.

11. His Majesty the Emperor does not oppose the use which the French Republic has made of the imperial fiefs on behalf of the Ligurian Republic. His Majesty the Emperor will combine his good

offices with those of the French Republic in order that the Germanic Empire may renounce its rights of suzerainty in Italy, and especially over territories which constitute part of the Cisalpine and Ligurian Republics, as well as over the imperial fiefs, such as . . . all those situated between Tuscany, the States of Parma, the Ligurian and Luccan Republics, and the former territory of Modena, which fiefs shall constitute a part of the Cisalpine Republic.

12. His Majesty the Emperor ... and the French Republic will combine their good offices at the pacification with the Germanic Empire, in order that the different Princes and States of the said Empire which suffer losses of territory and rights in consequence of the stipulations of the present treaty of peace, or as a result of the treaty concluded with the Germanic Empire, and

particularly the Electors of Mainz, Treves, and Cologne, the Elector Palatine of Bavaria, the Duke of Wiirttemberg and Teck, the Margrave of Baden, the Duke of Zweibrucken, the Landgraves of Hesse-Cassel and Darmstadt . . . may obtain in Germany suitable indemnities, which shall be arranged by common consent with the French Republic.

13. Twenty days after the exchange of ratifications of the present treaty, the troops of His Majesty the Emperor shall evacuate the cities and fortresses of Mainz, Mannheim, . . . Ulm, and Ingolstadt, as well as all territory belonging to the Germanic Empire, as far as its hereditary States.

14. Twenty days after the exchange of ratifications of the present treaty, the troops of the French Republic likewise shall evacuate the part of the Venetian territory which His Majesty the Emperor is to occupy ...

15. No part of the artillery found in Mainz and in the Venetian fortresses above designated, at the time of their occupation by the Austrian and French troops, shall be withdrawn, or anything altered in the present state of their fortifications.

16. The two Contracting Parties resolve mutually, in the most obligatory manner, to maintain the most profound secrecy with regard to the present articles. They may publish the open articles only after ratification is given by both governments.

17. The present articles shall have the same effect as if inserted word for word in the open treaty of peace signed this day. They shall be ratified at the

same time by the two Contracting Parties, and the acts of ratification shall be exchanged in due form at Rastadt.

[Signature]

VII. THE RETURN OF BONAPARTE

Between the signature of the Treaty of Campo Formio in October and his return to Paris in December, 1797, Bonaparte was occupied chiefly with three matters: (1) completion of his Italian undertakings; (2) participation in the negotiations at the Congress of Rastadt; and (3) the making of appropriate plans for his triumphant homecoming. Of the first, what remained was largely of a routine nature and consumed little time. Of the third, a preliminary indication was given in the dispatch to France of the famous "Victory Banner" (152). Of the second, suffice it to say that Bonaparte stopped at Rastadt merely long enough to ensure the ratification of the terms of Campo Formio, and then left that ill-fated gathering, to hasten on to Paris.⁵⁷ There he was received with one of the most extravagant and enthusiastic demonstrations ever staged for a conquering hero.⁵⁸

And now what of the future? Bonaparte had been rewarded with another "command," this time that of the Army of England. Would he, therefore, concentrate his efforts on dealing a deathblow to France's remaining enemy? Barras had publicly urged him so to do; but that might well be simply another ruse of the worried Directors to start him on

his travels again. This time the Directors really had cause for worry. Already Bonaparte was impatient with the inactivity of his peaceful “retirement.” Despite professions of a yearning for a savant’s gown, actually he was longing for new battles to win. And the years 1798 and 1799 were to see his wishes realized. [4](#)

LEYS; ARMISTICE WITH THE KING OF SARDINIA; CONVENTION WITH GENOA; ARMISTICE WITH THE DUKE OF PARMA; ARMISTICE WITH THE KING OF NAPLES; ARMISTICE WITH THE POPE; PRELIMINARIES OF LEOBEN; CONVENTION OF MONTEBELLO WITH THE REPUBLIC OF GENOA; TREATY OF PEACE WITH THE EMPEROR AT CAMPO FORMIO.

LIBERTY BESTOWED UPON THE PEOPLE OF BOLOGNA, FERRARA, MODENA, MASSA-CARRARA, ROMAGNA, LOMBARDY, BRESCIA, BERGAMO, MANTUA, CREMONA, PART OF VERONESE, CHIAVENA, BORMIO, THE VALTELINE, THE PEOPLE OF GENOA, THE IMPERIAL FIEFS, THE PEOPLE OF THE DEPARTMENTS OF CORÉYRA, OF THE AEGEAN SEA, AND OF ITHACA.

SENT TO PARIS ALL THE MASTERPIECES OF MICHELANGELO, GUERCINO, TITIAN, PAOLO VERONESE, CORREGGIO, ALBANO, THE CARRACCI, RAPHAEL, AND LEONARDO DA VINCI.

Suggestions for Reading and Reference

THE DIRECTORY

(For full titles see Key to Abbreviations, *supra*)

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1, pp. 259-299 *passim*; C. M. H., v. 8, pp. 487-520, Ch.
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410-413 *passim* 428-429, 429-431 *passim*, 447-450,
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[See also at end of Chapter Two, *supra*, Berville; and at end of Chapter Seven, *supra*, Aulard.]

BIOGRAPHY

[See statement at end of Chapter One, *supra*.]

The school of arts instituted at Rome for all Frenchmen shall be re-established there, and shall continue to be conducted as before the war. . . .

[2](#)

All articles, clauses, and conditions of the present treaty, with-

42 See Clercq, v. 1, pp. 276-277.

43 Document 122, *supra*. The date here should be 16 May, 1795.

[3](#)

Treaty of Campo Formio

17 October, 1797 (27 Vendemiaire, Year VI)

SOURCE: Clercq, v. 1, pp. 335-344. See also: Duvergier, v. 10, pp. 90-93 [under ratification date, 3 November]; *Moniteur*, 28 October, 1797 (7 Brumaire, Year VI), Rep., v. 29, pp. 50-51; Martens, v. 6, pp. 420-430; *Correspondance de Napoleon Ier*, v. 3, pp. 379-388.

The terms of this treaty should be compared with those of the Preliminaries of Leoben—and, for that matter, with the Treaty of Basle as well.⁵⁵ Particular items of note are: (1) the extent to which the basic aims of Cobenzl and

⁵⁵ Documents 146 and 121, *supra*.

[4](#)

Bonaparte's Victory Banner

November, 1797 (Brumaire, Year VI)

SOURCE: **Bourrienne, Louis A. F. de, *de M. de Bourrienne, ministre***

d'etat; sur Napoleon. . . ., 10 v. (Paris, 1829), v. 2, pp. 3-4.

Before leaving Milan in November, 1797, Bourrienne noted details of this fabulous flag "Of the Army of Italy" which General Joubert was to present to the Directory. On one side appeared the words "To the Army of Italy from the grateful Patrie"; on the other was the startling summary of the Italian campaign presented in the accompanying text.

*** * ***

150,000 PRISONERS; 170 FLAGS; 550 PIECES OF ORDNANCE; 600 FIELD PIECES; 5 PONTOON TRAINS; 9 VESSELS OF 64 GUNS; 12 FRIGATES OF 32 GUNS; 12 CORVETTES; 18 GAL-

57 The Congress dragged on until 1799 and achieved little. ff. ss The occasion is graphically recorded by Bourrienne [*Memoires*, V. 2, pp. n.,

Phipps' trans., v. 1, pp. i20ff.].

CHAPTER NINE--THE DIRECTORY: SECOND PHASE

(1 January, 1798-24 December, 1799)

I. THE EGYPTIAN EXPEDITION

153. Bonaparte's Letter concerning England, 23 February, 1798 (5 Ventose, Year VI).

154. Bonaparte's Proclamation upon Arriving in Egypt, 22 June, 1798 (4 Messidor, Year VI).

II. PROPAGANDA AND IMPERIALISM

155. Treaty between France and the Cisalpine Republic,

21 February, 1798 (27 Ventose, Year VI).

156. Treaty between France and the Helvetic Republic, 19 August, 1798 (23 Fructidor, Year VI).

III. THE SECOND COUP D'ETAT (22 FLOREAL); THE FORMATION OF A SECOND COALITION

157. The First General Conscription Law, 5 September, 1798 (19 Fructidor, Year VI).

IV. RENEWAL OF THE EUROPEAN WAR; THE THIRD COUP D'ETAT

(30 PRAIRIAL)

158. French Declaration of War on Austria, 12 March, 1799 (22 Ventose, Year VII).

159. Law of 30 Prairial, 18 June, 1799 (30 Prairial, Year VII).

160. Law of Hostages, 12 July, 1799 (24 Messidor, Year VII)

V. ECONOMIC PROBLEMS OF THE SECOND PHASE OF THE DIRECTORY

161. Decree on Francs and Livres, 18 October, 1799 (26 Vendemiaire, Year VIII).

162. Proclamation on Weights and Measures, 29 July, 1799 (11 Thermidor, Year VII).

163. Law Determining the Value of the *Meter* and the *Kilogram*, 10 December, 1799 (19 Frimaire, Year VIII).

VI. THE FALL OF THE DIRECTORY: 18 AND 19 BRUMAIRE

164. Decree Transferring the Legislative Body to Saint-Cloud,

9 November, 1799 (18 Brumaire, Year VIII).

165. The Brumaire Decree, 10 November, 1799 (19 Brumaire, Year VIII).

166. Act for the Formation of a Temporary Legislative Commission,

10 November, 1799 (19 Brumaire, Year VIII).

167. Bonaparte's Statement upon Becoming Consul,

10 November, 1799 (19 Brumaire, Year VIII).

**168. Proclamation of the Council of Five Hundred,
10 November, 1799 (19 Brumaire, Year VIII).**

VII. THE PROVISIONAL REPUBLICAN CONSULATE AND THE CONSTITUTION OF THE YEAR VIII

**169. The Constitution of the Year VIII, 13
December, 1799 (22 Frimaire, Year VIII).**

VIII. THE CLOSE OF THE DIRECTORY

**170. Proclamation of the Consuls of the French
People,**

15 December, 1799 (24 Frimaire, Year VIII).

CHAPTER NINE

THE DIRECTORY: SECOND PHASE

(1 January, 1798-24 December, 1799)

**As indicated in the introduction to Chapter Eight, the
present (and final) chapter deals with the closing
phase of the Directory, the years 1798 and 1799.**

**Again, as in the first phase of the Directory, foreign
relations continued to dominate the scene.
Beginning with the ill-fated Egyptian expedition (I)»
they involved a further extension of revolutionary
imperialism (II), and, during Bonaparte's absence in
the Mediterranean, the rise of a second coalition
against France (III) and the renewal of European war
(IV). In domestic affairs, two more *coups d'etat***

emphasized the defects of the Constitution of the Year III, and weakened the position of the government which was endeavoring to function under that document (III, IV); and economic problems remained, as heretofore, chronic and, for the most part, unsolved (V).

Following the paradoxically “triumphant” return of Bonaparte from Egypt, the fourth *coup d'etat* on 18 and 19 Brumaire, Year VIII, brought the fall of the Directory (VI). Until constitutional foundations could be laid for its successor, however, the *period* as such cannot be said to have ended. In the interval, government was conducted by the “Provisional Consulate,” which, in due time, produced the Constitution of the Year VIII (VII). On 15 December, 1799, the epoch of the Directory was officially terminated (VIII) in a proclamation, the closing words of which were prophetic in their announcement that the Revolution was “over.” Whatever controversies may persist with regard to the time at which the Revolution “ended,” there can be little dispute that after 1799 the future was in the hands of Bonaparte!

I. THE EGYPTIAN EXPEDITION^{1 2}

As commander of the Army of England, Bonaparte's career was brief and uneventful. That he was aware of the difficulties involved in an invasion of England became apparent early in 1798 (153). At the same time, he knew that he must find some way in which to preclude the apparent inevitability of oblivion. He found what he sought in the Egyptian Expedition.

A plan for an armed expedition to Egypt had been under consideration for some time. The idea was originally Talleyrand's. Bonaparte, entranced by the East, greeted it with enthusiasm, and Talleyrand recommended it to the Directory. The alleged reason for undertaking such an enterprise was to enable France to obtain control of the declining Ottoman Empire and shut England out of the Eastern Mediterranean. While this was *feasible*, actually, apart from expediency, there was no justification whatsoever for the expedition.

Plans were made and effectuated secretly in the early Spring, and in May a large fleet carrying a large army sailed from Toulon. It is noteworthy that Bonaparte took with him a small army of artists, scientists, and other savants, who in the last analysis were to make the only really enduring accomplishments of the undertaking—the establishment of the French Egyptian Institute and the discovery of the Rosetta Stone, from which, many years later, the secret of Egyptian hieroglyphics was discovered.

Successfully evading the British fleet under Nelson, Bonaparte arrived at Egypt late in June (1798), and within a short time had taken both Alexandria and Cairo. But fate was not on his side. Within a few weeks Nelson had discovered his location, and had literally blown the French fleet out of Aboukir Bay. Then he sailed away, leaving Bonaparte and his army stranded.

The history of the ensuing year is one of failure for the French. In September, the Sultan of Turkey declared war on France and effected an alliance

with England and Russia. In January, news of a British-sponsored invasion of Egypt sent Bonaparte hurrying to the north in a costly and futile march. And, a few months later, reports of a sea-borne Turkish invasion of Egypt sent him staggering back in a hasty and tragic retreat. True, on 25 July, 1799, little more than a year after his arrival in Egypt, he engaged the Turks at Aboukir and drove them into the sea, thus stopping the invasion. But the victory was an empty one, for he was still isolated from France. Moreover, the news from the homeland was disturbing. Again *coups d'état* had disturbed the government, and French imperialistic activities had produced another armed European coalition. An understanding of these developments is essential to an understanding of Napoleon's actions following his defeat of the Turks.

153. Bonaparte's Letter concerning England

23 February, 1798 (5 Ventose, Year VI) SOURCE;-
Correspondence de Napoleon Ier, v. 3, pp. 489-492.

This letter represents the results of Bonaparte's investigations concerning the feasibility of an invasion of England. It shows a keen understanding of the problems, and obviously anticipates the Egyptian expedition. It should be of interest in the light of the Allied invasion of Normandy in World War II.

Whatever efforts we make, it will soon or several years achieve supremacy at sea.

To effect an invasion of England without mastery of the sea is the most daring and difficult operation yet

undertaken.

If it is possible, it would have to be done by a surprise crossing, either by eluding the squadron which is blockading Brest and the Texel, or by arriving in small boats, under cover of darkness and after a seven or eight hours' passage, at some point in the counties of Kent or Sussex.

Such an operation requires long nights, and therefore wintertime.

It cannot be undertaken later than April.

Any operation that might be undertaken in sloops during the summer . . . would be impracticable, because the enemy would offer insurmountable obstacles to disembarkation, and especially to the voyage itself.

Our fleet is now no further advanced than it was when the army of England was mobilized four months ago.

[Then follows a detailed analysis of the naval situation.]

Therefore the English expedition appears to be impossible until next year; and then it is probable that the embarrassing circumstances which supervene on the continent will prevent it. The real moment for preparing for this invasion has passed, perhaps for ever.

[Then follows a continuation of the analysis of the naval situation and the difficulties presented thereby.]

If it is impossible to obtain the exact amount of money requested by the present memoir, or if, in view of the present organization of our navy, the obtaining of as prompt execution as circumstances necessitate is deemed improbable, then we must really forego any English expedition, content ourselves with keeping up the appearance of one, and devote all our attention and resources to the Rhine, in order to attempt to deprive England of Hanover and Hamburg. In order to achieve both of these aims, it is obvious that we must not keep a large army distant from Germany.

Or we might well make an expedition into the Levant and threaten Indian commerce.

And if none of these three operations is feasible, I see no alternative but to conclude peace with England. I am convinced that she would accept today the terms that Malmesbury refused.

In such case, we might secure greater advantages from our negotiations at Rastadt. ⁶

If peace were made with England while the Congress is in session, we should very naturally be in a position to make many additional demands on the Germanic Empire.

[Signature]



154. Bonaparte's Proclamation upon Arriving in Egypt

22 June, 1798 (4 Messidor, Year VI)

SOURCE: *Correspondance de Napoleon Ier*, v. 4, pp. 182-183.

Upon his arrival at Egypt, Bonaparte issued the accompanying proclamation. Another of his typical propagandist documents, it should be compared with document 140, *supra*. Of special interest is his “concern” respecting the faith of the Moslems.



Soldiers!

You are about to undertake a conquest, the effects of which on the civilization and commerce of the world are incalculable.

You are going to deal England the most unerring and severe blow she can receive until such time as you may give her her death blow.

We shall make fatiguing marches; we shall wage several battles; we will succeed in all our undertakings; the destinies are with us.

. . . t

The people amongst whom we are going to live are Mohammedans; the first article of their faith is this: “There is no other God but God, and Mohammed is his prophet.”

Do not contradict them; act toward them as we have acted toward the Jews and the Italians . . .

Extend to the ceremonies prescribed by the Koran, and to the mosques, the same tolerance which you showed toward the convents and the synagogues, toward the religions of Moses and of Jesus Christ.

The Roman legions protected all religions. You will find customs here different from those of Europe; you must adapt yourselves to them.

The first city we shall encounter was built by Alexander. At every step we shall meet with memories worthy of exciting the emulation of

Frenchmen.

[Signature]

II. PROPAGANDA AND IMPERIALISM

Propagandist almost from the beginning, and ultimately imperialistic as well, the Revolution manifested both these tendencies increasingly during the period of the Directory. The procedure took the obvious form of disseminating revolutionary propaganda and appropriating neighboring territory. The territories thus acquired were reorganized along the lines of revolutionary France, and were bound to the new mother country by treaties of alliance, commerce, and subsidy.

Early in 1798, even before the departure of Bonaparte, the new Italian Cisalpine Republic was firmly attached to France (155). And other parts of Italy, to say nothing of Switzerland and Holland,

were soon to follow. In every case the technique was substantially the same—on pretext of domestic disorders, the territory was invaded by French troops, which remained to preclude the recurrence of the commotions. And shortly thereafter, the political reorganization and treaty arrangements were made, needless to say without much opposition on the part of the conquered people.

In February, 1798, the Roman Republic was created out of the Papal States. In March, the Helvetic Republic supplanted the Swiss cantons (156). In September, the Batavian Republic took the place of Holland. And early in 1799 the Parthenopean Republic was imposed upon the people of Naples.

Thus, principally during Bonaparte's absence in Egypt, the government of the Directory extended the policies of revolutionary propaganda and imperialism, expanded the territories of the Republic, created satellite states on the model of those formed by Bonaparte in Italy, and pointed the way to empire. By so doing it aroused enough apprehension among European states to hasten the formation of a second armed coalition against France.

155. Treaty between France and the Cisalpine Republic

21 February, 1798 (3 Ventose, Year VI)

SOURCE: Clercq, v. 1, pp. 350-353. See also: Duvergier, v. 10, pp. 226-227 [under ratification date, 17 March]; Martens, v. 6, pp. 450-452.

This treaty indicates the manner in which France purposed dealing with her newly established satellite republics. It was accompanied by a commercial treaty of the same day.³



- 1. The French Republic recognizes the Cisalpine Republic as a free and independent power; it guarantees its liberty, its independence, and the abolition of every government anterior to the one which now administers it.**
- 2. There shall be peace, amity, and good understanding between the French and the Cisalpine Republic in perpetuity.**
- 3. The Cisalpine Republic pledges itself to take part in all wars which the French Republic might wage, when requisition therefor has been made upon it by the Executive Directory of the French Republic; as soon as such requisition is addressed to it, it shall be required to put all its forces and resources into action. By notification of said same requisition, it will be constituted *de facto* in a state of war with the Powers against which it has been requisitioned, but until such notification has been made to it, it will maintain its state of neutrality. The French Republic shall be required to include the Cisalpine Republic in treaties of peace which follow wars in which it has engaged by virtue of the present article.**
- 4. The Cisalpine Republic having requested the French Republic for an army corps sufficient to**

maintain its liberty, its independence, and its internal peace, as well as to preserve it from all aggression on the part of its neighbors, the Mo Republics have agreed upon the following articles in such connection.

5. Until otherwise agreed thereon, there shall be in the Cisalpine Republic a body of French troops amounting to 25,000 men, including the staff and administration. Said body shall be composed of

22,000 infantry, 2,500 cavalry, and 500 artillery, either horse or of the line.

6. The Cisalpine Republic will furnish annually to the French Republic, for the payment and maintenance of said troops, a sum of

18,000,000, which shall be paid, in twelve equal monthly instalments, into the funds of the army; and in case of war, the necessary supplement of supplies. It will furnish the buildings necessary for quartering and billeting said troops, both in health and in sickness, as a consequence of which the French Government shall be responsible for the payment, equipment, clothing, and maintenance of said troops, both in health and in sickness.

7. The French Government may withdraw and replace said troops at will.

8. Said troops, as well as those of the Cisalpine Republic, shall always be under the command of French generals.

9. The garrisons of Mantua, Peschiera, and Ferrara shall always be composed, each at least to the

extent of one-half, of French troops.

10. The Cisalpine Republic will always keep the artillery of said three forts in the best condition and will provision them regularly for one year.

12. The French Republic will surrender to the Cisalpine Republic, according to the terms agreed upon between Citizen Bonaparte and the Executive Directory of the Cisalpine Republic, whatever part of the artillery captured from the enemy the Cisalpine Republic may need.

14. The Cisalpine Republic will organize an armed force composed of Italians and auxiliaries, the number of which . . . shall be regulated by a special convention. It shall have a train of 120 field-pieces, a bridge train of sixty pontoons, and a flotilla on Lake Garda.

15. The Cisalpine Republic will permit no French *emigre* upon its territory. Every French *emigre* found on the territory of the Cisalpine Republic will be arrested, to be deported to the place indicated by the Executive Directory of the French Republic. Reciprocally, the French Republic will permit no Cisalpine *emigre* upon its territory. Every Cisalpine *emigre* found on the territory of the French Republic shall be arrested there, in order to be placed at the disposal of the Cisalpine Government.

[Signature]

Separate Articles

1. The Cisalpine Republic pledges itself to adopt and maintain the same principles of navigation as

the French Republic.

2. It pledges itself likewise to forbid the entry, sale, and consumption of commodities and merchandise produced or manufactured in

England and its possessions, in the same manner and for as long a time as they are prohibited in France.

.....

4. The obligation imposed upon the Cisalpine Republic by article 4 of the treaty of alliance is such that it may not have a standing army of fewer than 22,000 men. The flotilla on Lake Garda will be sufficient to maintain superiority there over the Austrians.

The Directory: Second Phase

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5. The Cisalpine Republic may not, without the consent of the

French Government, go to war with any Power friendly to or allied with the French Republic.

6. The French Republic will employ its good offices with all the

Powers of Europe in order to have them recognize the Cisalpine Republic.

7. Whenever required so to do, the Executive Directory of the Cisalpine Republic will remit to the

Executive Directory of the French Republic a statement of the position of its troops.

[Signature]

156. Treaty between France and the Helvetic Republic

19 August, 1798 (23 Fructidor, Year VI)

SOURCE: Clercq, v. 1, pp. 363-368. See also: Duvergier, v. 10, pp. 351-353 [under ratification date, 9 September; lacks secret articles]; Martens, v. 6, pp. 466-472.

Like the preceding document, this is an imperialistic treaty, designed primarily for the advantage of France and imposed upon an unwilling Switzerland. Also, as in the case of document 155 it was accompanied by a commercial agreement.⁴ The alleged benefits and the actual obligations of the contracting parties are characteristic of most of the treaties of this type.



The French Republic and the Helvetic Republic, equally animated by a desire to supplant, with full peace and the closest friendship, the war which the oligarchy provoked and which has temporarily estranged the two nations, have resolved to unite in an affiance founded on the real interests of the two peoples.

Accordingly, the respective Governments have named: [Then follow the names of their

representatives: For France, Talleyrand; for the Helvetic Republic, Zeltner and Jenner.]

Who, after exchanging their plenary powers, have agreed upon the following articles:

7. There shall be peace, amity, and good understanding between the French Republic and the Helvetic Republic in perpetuity.

2. Henceforth, an offensive and defensive alliance shall exist between the two Republics. The general effect of such alliance is that, in case of war, each of the two Republics may demand the co-operation of its ally. The Power making the requisition will then specify from whom the co-operation is requested, and, as a result of such special requisition, the Power requested will declare war against the Power or Powers designated; but it will remain in a state of neutrality with respect to those which are at war with the Power making the request, but which have not been particularly designated thereby. It is agreed that the French Republic may never request Swiss troops for overseas service. The troops demanded shall be paid and maintained by the Power making the request; and, in case of requisition, neither of the two Republics may conclude any treaty of armistice or peace separately. The special effects of the alliance, when the requisition takes place on either part, and the nature and amount of aid mutually granted, shall be determined by mutual consent, by special conventions based upon the principles included in the present article.

3. Accordingly, the French Republic guarantees the Helvetic Republic its independence and the unity of its Government; and, in the event that the oligarchy should attempt to overthrow the present constitution of Switzerland, the French Republic pledges itself to afford the Helveic Republic, upon its requisition, whatever assistance it needs in order to triumph over internal or external attacks directed against it. Moreover, it promises the Helvetic Republic its good offices in order that it may enjoy all its rights in respect to other Powers. And, in order to obtain for it the means of promptly re-establishing its military situation on the most impressive footing, the French Republic agrees to place in its possession the cannons, mortars, and artillery pieces of which it was deprived during the present war, and which are still at the disposal of the French Government at the time of signature of the present treaty; provided that the Helvetic Republic undertakes to have them located and brought to its territory.

4. The frontiers between France and Switzerland will be determined by a special convention . . .

[Then follows a list of boundary details.]

5. In order to assure the communications of the French Republic with southern Germany and Italy, it shall be granted the free and perpetual use of two commercial and military routes

[Then follow the details of the routes along the Rhine, and across the department of Mont-Blanc to the Cisalpine Republic];

. . . and it is agreed that each State will effect, in its respective territory, the work necessary for the completion of said two routes.

6. It is likewise agreed that, in order to give navigation within the two Republics all possible advantageous developments, each of them will perform, on its respective territory, the work necessary for the establishment of water communication from Lake Geneva to the navigable part of the Rhone.

7. The French Republic pledges itself to furnish the Helvetic Republic with all the salt it needs, from its salt mines in Meurthe, Jura, and Mont-Blanc. The price of said salt and of its transportation, and the places and times of deliveries, shall be regulated, at least every ten years, between the citizens charged by the French Government with the exploitation of said salt mines, and the officials of the Swiss Government; but the price of salt at the salt mines must never exceed that paid by French citizens, and the salt sold to the Swiss must never be subject to any of the imposts placed on said commodity in France.

8. In consequence of the preceding article, the Helvetic Republic expressly renounces all salt arrears which it might claim as a result of former treaties between France and the Cantons; and it pledges itself to take at least 25,000 quintals of salt annually from the salt mines.

9. Citizens of the French Republic may leave and enter Switzerland if provided with passports in proper form; they shall be free to constitute any

kind of establishment therein, and to carry on therein such types of industry as the law permits and protects; their persons and property shall be subject to the laws and customs of the land. Citizens of the Helvetic Republic will enjoy in France, and in all the possessions of the French Republic, the same rights, on the same terms.

[Article 10 deals with personal and property litigations.]

11. Definitive judgments rendered by French courts in civil matters have the force of a settled case; they shall be executory in Switzerland, and reciprocally, after they have been legalized by the respective envoys.

72. In case of failure or bankruptcy on the part of Frenchmen owning property in France, if there are both Swiss and French creditors, the Swiss creditors who have complied with the French laws for the security of their mortgage shall be paid from the property just as the French mortgagees, according to the order of their mortgage; and reciprocally, if any Swiss possessing property in the Helvetic Republic have both French and Swiss creditors, the French creditors who have fulfilled the proper formalities in order to assure themselves a mortgage in Switzerland shall be ranked without distinction with the Swiss creditors, according to the order of their mortgage. As for ordinary creditors, they also shall be treated equally, without considering to which of the two Republics they belong.

13. In all criminal proceedings for serious offences, the inquiry for which is made before either French or Swiss courts, Swiss witnesses summoned to appear in person in France and French witnesses summoned to appear in person in Switzerland shall be required, under the penalties determined by the respective laws of the two nations, to go to the court which has summoned them. In such cases, the two Governments will grant the witnesses the necessary passports, and they shall concur in determining the compensation due because of the distance and the sojourn.

14. The two Republics pledge themselves reciprocally to give no refuge to the *emigres* or *deportes* of either nation. They pledge themselves likewise to extradite reciprocally, on the first requisition, individuals of either nation who have been legally declared guilty of conspiracy against the internal and external security of the State, assassination, poisoning, arson, falsification of public documents, and theft with violence or burglary, or who are prosecuted as such by virtue of warrants issued by legal authority. It is agreed that articles stolen in one of the two countries and deposited in the other will be faithfully restored.

15. A treaty of commerce, based on the most complete reciprocity of advantages, will be concluded immediately between the two Republics. Meanwhile, the citizens of the two Republics shall be treated, respectively, as those of the most favored nations.

[Signature, and decree by Directory]

Additional Secret Articles

In addition to the offensive and defensive treaty of alliance concluded and signed this day, the undersigned Plenipotentiaries have agreed upon the following articles, which shall remain secret as long as the interests of the Contracting Parties appear to require it.

1. The French Republic will employ its good offices to effect the union of the Frickthal with the territory of the Helvetic Republic; likewise, it will willingly contribute to the extension of the eastern boundaries of Switzerland to its advantage

State against State which it might claim with _____

2. The Helvetic Republic renounces, without exception, all debts of

_____ • i r i j i i • 1 • . •

against the French Republic

up to the time of ratification of the present treaty. It will remit all titles thereto, for both principal and interest, upon condition that the French Republic agrees to restore to it the titles to debts which some former cantons are in a position to prosecute against divers Powers, and which, during the course of the recent war, have fallen into the hands

of France; even binding itself to support the claims of the Helvetic Republic against the said Powers when the time arrives.

3. Retirement pensions shall be paid henceforth, according to former capitulations, to Swiss officers who have fulfilled the conditions required by the laws of the French Republic.

4. As soon as the ratifications of the present treaty have been exchanged, the French Republic will begin to reduce the number of its troops in Switzerland, so that they will be entirely withdrawn within three months after said exchange. Those who remain, from the day of the exchange until the expiration of the three months, will be maintained at the expense of the French Republic, and quartered and distributed among the several Swiss cities.

[Signature]

III. THE SECOND COUP D'ETAT (22 FLOREAL)' THE FORMATION OF A SECOND COALITION

The year 1798 brought more elections in France. This time, instead of returning many an/(- revolutionaries as they had done in 1797, the voters returned many *extreme* revolutionaries (Jacobins) who were quite as distasteful to the existing regime as were their opposites. As might be expected, however, the results were the same. The government again took upon itself the responsibility for "judging" the elections. Again, in a thoroughly unconstitutional but obviously expedient manner, the Directors avoided a "conspiracy of demagogues" by packing the councils with their own supporters. This was the *coup* of 22 Floreal, Year (II May, 1798). It widened the gap which already separated political practice from constitutional law.

As suggested in the preceding section, the imperialism of the Directory did much to raise a second armed European coalition against revolutionary France; but there were other factors at work in the same direction. Russia and Turkey resented the Egyptian expedition; Austria resented Campo Formio and Rastadt; Britain resented her inability to strike France a death blow. By the end of 1798 agreements had been reached among England, Russia, and Naples. Russia, England, and Turkey had already come to terms. Austria was to sign later. Alone of the major powers, Prussia remained neutral. By the Spring of 1799 the Second Coalition was a reality—backed by English funds! Meanwhile, aware of the inevitable hostilities and of the need for preparedness, the government passed a new conscription law (157).

157. The First General Conscription Law

5 September, 1798 (19 Fructidor, Year VI)

SOURCE: Duvergier, v. 10, pp. 343—348. See also: *Moniteur*, 9 September, 1798 (23 Fructidor, Year VI), Rep., v. 29, pp. 381-384 [lacks preamble].

Article 286 of the Constitution of the Year III had apparently suppressed the type of conscription introduced during the Terror.^{5 6} At the same time, however, provision was made for special measures to meet emergencies; and the present law represents an attempt to face such a crisis. The idea emanated largely from Jourdan, and resulted in the re-establishment of conscription—this time permanently. Although the law was not successful under the Directory, the principles contained in it

were to receive adequate fulfillment under Napoleon, and were to set an example which ultimately was to be followed throughout western Europe.



The Council, . . . considering that the French people themselves have consecrated the bases of the organization of their armed force by the following articles:

“Every citizen owes his services to the *Patrie*, and to the maintenance of liberty, equality, and property, whenever the law summons him to defend them.” (Article 9 of the Declaration of the Duties of the Citizen.) [7](#)

“The army shall be constituted by voluntary enlistment, and, in case of need, by the method determined by law.” (Article 286 of the Constitution.) [8](#)

Considering that it is essential to give the military forces of the French Republic as full development as the population warrants, so that it may always triumph over its enemies, . . . » approves the act of urgency and the following resolution.

TITLE i

PRINCIPLES

1. Every Frenchman is a soldier, and owes it to himself to defend the *Patrie*.

2. When the *Patrie* is declared in danger, all Frenchmen shall be summoned to its defence, according to the method determined by law; those who have already obtained discharges are not exempted.

3. Apart from instances when the *Patrie* is in danger, the army shall be constituted by voluntary enlistment and by military conscription.

4. The Legislative Body shall establish, by a special law, the number of conscripted defenders who are to be placed on active service.

5. Said number shall be determined by the extent to which the army is incomplete, and by the number of enlisted volunteers not yet on active service.

TITLE II

VOLUNTARY ENLISTMENTS

6. Frenchmen, from the age of fully eighteen years until they have completed their thirtieth year, who wish to enlist voluntarily to serve in the army, shall have themselves enrolled in a special register kept for such purpose by the municipal administrations, which shall make a report^{9 10} of such inscription; said report shall indicate the family name, given names, age, stature, and domicile of those enrolled, and shall include their description.

administration and the justice of the peace of their commune.

7. Citizens who are destined, according to law, for service in the navy may not be enrolled to serve in the army.

Said administrations shall enroll only citizens who present a certificate of good conduct, signed by the municipal agent of their commune and the justice of the peace of their canton, or by the municipal

8. The voluntarily enlisted men do not receive any sum by virtue of enlistment, and they are required to serve, in time of peace, for four years in the army; and, in addition, in time of war, until circumstances permit the granting of final discharges. They may designate the corps and branch in which they wish to serve, provided, moreover, that they possess the stature and other required qualifications.

9. Those who, independently of the certificate prescribed by article 6, present a final discharge, stating that they have served at least four years in the troops of the Republic, may have themselves inscribed on the register of voluntary enlistments, up to the age of fully forty years.

10. The municipal administrations shall have copies of the voluntary enlistments forwarded to the Minister of War, as well as to the commissioners of war in their respective *arrondissements* or departments; they shall give marching orders to the enlisted men as far as the town of residence of said war commissioners, and the latter shall relay them as far as the town where the corps for which each volunteer has been enlisted is located.

11. In the matter of judgments and penalties in connection with service and the obligation to serve, every Frenchman voluntarily enlisted is, by such very fact, subject to special laws passed for the army.

Those who have not reached their destination within the prescribed time shall be prosecuted and punished as deserters.

12. All defenders of the *Patrie* shall be permitted to re-enlist voluntarily immediately following the four years of service prescribed by article 8 of the present law. The duration of such enlistments is two years for each renewal; they may be so renewed up to the time when, according to law, said defenders would receive their pensions, and they shall be received by the administrative councils of the corps.

13. Every voluntary enlistment, whether at the corps or before the municipal administrations, must be signed by the enlisted person. If he cannot write, mention shall be made thereof on the register.

14. The defenders of the *Patrie* who are permitted to continue their service, in conformity with article 12, shall receive a special pay of one franc per month during the first four years, two francs per month during the following four, and three francs per month during the remaining time that they continue to serve.

Such special pay shall cease for those who have reached the rank of sublieutenant; and whereas one billion is due the defenders of the *Patrie* who have fought the war for liberty, payment to those who

have a claim thereto shall not begin until one year after the general peace.

TITLE III

MILITARY CONSCRIPTION

15. Military conscription includes all Frenchmen between the ages of fully twenty years and twenty-five years.

16. The following are not included in the military conscription:

1st, Frenchmen of the age set by the preceding article who already belong to the army;

2nd, Those of said same age who were married before 23 Nivose last;

3rd, Those of said same age who, having been married before the said date, have become widowed or divorced, provided they have children;

4th, Those of said same age who were officers or noncommissioned officers, and who have been discharged as supernumeraries; but they remain under obligation to rejoin, until they have four years of actual service, or have passed the age of conscription. The time that they spend at their homes shall count as actual service; and when they are recalled, they may be required to serve only in the rank that they already held;

5th, Those of said same age who hold final discharges. Those who have obtained such discharges only for having been unduly forced

to take arms before the age of requisition are not exempt from military conscription; on the contrary, they shall be included therein according to their age, but the time of service which they have already given shall be counted;

6th, Those of the same age who, according to law, are destined for or employed in the service of the navy, enrolled, registered, or commissioned as such; but those who cease to belong to the service of the navy before the age of fully twenty-five years shall be included in the military conscription for the army.

17. The conscripted defenders shall be divided into five classes, each class to include only conscripts of one and the same year. The first class is composed of Frenchmen who, on 1 Vendemiaire of each year, have completed their twentieth year;

The second class is composed of those who, on said same date, have completed their twenty-first year;

The third class includes those who, on said same date, have completed their twenty-second year; and so on, class by class, year by year.

18. During the course of the year, no change shall be made in the division of the classes, so that Frenchmen who have completed their twentieth year are not included in the military conscription until 1 Vendemiaire following; and those who have completed their twenty-fifth year remain included therein until said same date.

19. The conscripted defenders, of all classes, shall be attached to the divers corps of all the branches

which make up the army; they shall be enrolled therein by name, and may not have substitutes.

20.'According to the law which establishes the number of conscripted defenders who are to be placed on active service, the youngest shall always be the first to join the colors. Those of the second class shall be called to the corps only when those of the first class are all on active service; and so on, class by class.

21. The conscripted defenders of the fifth class who are not on active service shall be granted final discharges during the course of the month of Vendemiaire following the date when they have completed their twenty-fifth year; in time of peace, those who are on active service shall receive their final discharges at the same time; in time of war, they shall be subject to laws passed for the occasion concerning discharges.

22. The conscripted defenders shall be paid only when on active service.

23. The conscripted defenders attached to a corps, but not on active service, shall continue to enjoy their political rights as citizens, and shall serve in the inactive National Guard; they shall be subject to military laws only when they are designated for active service.

TITLE IV

METHOD OF ENFORCEMENT

24. During the month of the publication of the present law, the municipal administrations of the

commune and of the canton shall draft lists on which shall be inscribed the names of all Frenchmen of their *arrondissement* who, by virtue of the preceding titles, are included in the military conscription for the army.

Said lists shall be made separately, class by class; and each one shall include only the conscripts of one and the same class. They shall indicate the family names, given names, year, month, and day of birth, stature, occupation, and the commune of domicile of the conscript.

25. Before the end of said same month, the municipal administrations shall send certified copies of said lists to the central administrations of the departments.

26. According to said several lists, and within the following month, the central administrations likewise shall draft, class by class, in the same order, in the same form, and with the same information, the general lists of the conscripts and their respective departments,' and they shall send certified copies thereof to the Minister of War without delay.

27. Henceforth, each and every year, within the first *decade* of Vendemiaire, the municipal administrations shall draft, in the same form, the list of Frenchmen of their respective *arrondissements* who, during the course of the preceding year, have completed their twentieth year; after which they shall deliver final discharges to those conscripts who, not being on active service, have, at such time, completed their twenty-fifth year.

28. In the course of Vendemiaire of each and every year, the municipal administrations shall send the central administrations of their respective departments certified copies of the list prescribed by the preceding article.

29. According to the said several lists, and during the course of the month of Brumaire of each and every year, the central administrations of the departments shall draft, in the same order, in the same form, and with the same information, a general list of the conscripted defenders and their respective departments, and shall send certified copies thereof to the Minister of War.

30. If the municipal or departmental administrations neglect to draft and send the conscription lists within the time and in the forms indicated by the present law, special commissioners shall be appointed for such purpose; said commissioners shall be paid, and the expenses thereof shall be borne personally, by the administrators of the dilatory communes, cantons, or departments.

Such special commissioners shall be appointed, and their payment shall be regulated and ordered, through administrative channels: to wit, by the central administrations against the municipal administrations; and by the Minister of War against the central administrations.

Nevertheless, in order that the Republic may always have the same number of conscripted defenders, the fifth class of conscripts in the dilatory communes, cantons, or departments shall not be relieved of the

obligation to serve until the list of the first class has been drafted.

31. Frenchmen who are absent from their usual domicile at the time of the formation of the lists shall be conscripted as though present there, unless they declare to the municipal administration that they prefer to be conscripted on the lists of the place of their new domicile, and justify their conscription.

32. Those who neglect or refuse to present themselves for conscription and to give the municipal administrations all the necessary information concerning their family names, given names, age, stature, occupation, and place of birth, may be inscribed on the list of the first class as being only twenty years and one day old, and consequently the first to go to war.

33. The several lists of the cantons and communes shall remain public at the office of the secretary of the municipal administration; every citizen shall have the right to examine them, and to protest against omissions.

34. Any conscript may likewise protest against errors which have been committed to his disadvantage; but; in such case, the protests may be made only within the month following the drafting of the cantonal or communal list against which he protests; after which time, no protest shall be received. Those which have been made within the prescribed time shall be judged administratively, and without delay, by the central administrations of

the departments, on the advice of the municipal administrations.

Their decisions shall be executed provisionally, reserving appeal to the Minister or to the Executive Directory, in the forms prescribed by the Constitution.

In all cases, notice of such decisions shall be given to the Minister of War, in order that, if there is occasion therefor, he may make the necessary rectifications on the lists which he has at hand.

35. Every three months the municipal administrations of the departments shall forward to the central administrations of the departments a statement of the conscripts who have died in the interval from one trimester to another. Such statement shall indicate the family name, given names, year, month, and day of birth, and the canton of domicile of those who have died. According to said statements, the central administrations shall make the necessary changes on the general list of the conscripts of the department, and shall then send them to the

Minister of War, who shall make note thereof on the general list of the conscripts of the Republic.

36. The Executive Directory shall give instructions, and shall send the necessary models, in order that the prescribed lists may be drafted in a systematic and uniform manner throughout the entire extent of the Republic.

37. On the basis of the lists directed to him by the central administrations of the departments, the

Minister of War shall draft the general list of all the conscripts of the Republic, without distinction of canton or department, but always class by class. Said list shall also indicate the family name, given names, year, month, and day of birth, stature, occupation, and the canton and department of domicile of each conscript.

The order of registration in said list shall be determined by age: the youngest shall be registered first, so that one day more or less may be taken into consideration in determining the place of each conscript.

38. In the Year VII, immediately after the drafting of the general list of conscripted defenders of the Republic, the Minister of War shall make the allotment of said defenders, class by class, among the divers branches and corps, taking into consideration their respective needs, so that in each corps there may be conscripts of all ages and all classes.

In ensuing years, the Minister of War shall assign, in place of the retiring fifth class, only the new conscripts who constitute the entering first class.

39. The Minister of War shall direct to the central administrations of the departments, without delay, a statement of the assignment of the conscripted defenders of their respective departments in the divers corps of the army. Such statement shall indicate the branch and the corps to which the conscripted defenders are attached.

40. The central administrations shall have said statement of assignment printed; they shall send it to the municipal administrations to be published and posted; they shall send copies thereof to all civil and military authorities of the department.

41. The Minister of War shall likewise direct to each and every corps a statement of the defenders who, according to the allotment, have been assigned thereto; such statement shall indicate the family name, given names, year, month, and day of birth, stature, occupation, and the canton and department of domicile of each defender.

42. If, in order to keep several corps of the same branch on an almost equal footing, circumstances require changes in such allotment, the Minister of War may alter the assignment already given the conscripted defenders; but, in such case, they shall be given notice thereof, without delay, through the medium of the central and municipal administrations of their domicile.

43. The statements of assignment made and directed by the Minister of War, in conformity with articles 38 and 39, as well as statements of change that he may make and dispatch, in conformity with the preceding article, shall be placed in the departmental archives and carefully preserved for possible reference.

44. When a law has ordered a levy of conscripted defenders, and has determined the number of those who are to be mobilized, the Executive Directory shall have the general list of the conscripted defenders of the entire Republic produced by the

Minister of War; it shall count them, starting with the youngest, in conformity with article 20, up to the number for which the levy has been ordered; it shall take the name of the conscript who, by such order, is the last called, as being the oldest of all those who are to be mobilized.

The family name, given names, canton and department of domicile, and the year, month, and day of birth of said conscript shall be formally published throughout the entire Republic, by proclamation of the Executive Directory.

45. As soon as the name and age of said conscript have been thus proclaimed, all conscripts of the Republic, of the same age or younger, shall be considered as summoned by law, and, accordingly, shall be obliged to join their colors.

46. For such purpose, the central administrations of the departments shall make a survey from the general list of the conscripts of their respective departments, and shall draft a list of all those required to join because they are the same age as, or younger than, the conscript whose name and age have been proclaimed by the Executive Directory.

47. Such lists shall be directed by the central administrations to the municipal administrations to be formally published and posted. Likewise, copies thereof shall be sent to all courts and civil and military authorities of the department.

The municipal administrations and the courts shall have them recorded, in order to be able to refer to them when necessary.

48. The conscripted defenders included in said lists, who are not, at the time when said lists are published and posted, in the commune where they have been conscripted, may not take advantage of their absence to escape the obligations and penalties imposed by the present law.

49. The commissioners of the Executive Directory at the central administrations of the departments are expressly responsible for the departure of the conscripted defenders summoned by law, according to the orders and instructions of the Minister of War. In such connection they shall correspond with the commissioners of the Executive Directory at the municipal administrations; and both shall make all requisitions that they deem advisable on the civil and military authorities.

50. No constituted authority, no civil or military administration, may put in requisition or retain for any purpose whatsoever a conscript who, because of his age, is to enter active service. In such connection, the service of clerks or employees in the offices of the ministers, war commissioners, or other military administrators, contractors, or agents, is not considered as military service.

51. Requests for exemption because of infirmity or incapacity of service shall be made and considered in the forms established by a special law; but those who make them must always be included in the lists of military conscription.

52. The conscripts traveling into the interior of the Republic shall provide themselves with passports

indicating the class in which they are included, and the corps to which they are attached.

Those who establish their domicile in a department other than that in which they have been conscripted shall be required to make known, every six months, to the municipal administration of the canton or commune in which they were conscripted, the place of their new domicile.

53. Conscripts summoned by law, but who have not yet appeared at their corps within the prescribed time, may not be included in the list of the inactive National Guard; if they are already enlisted therein, they shall be removed therefrom; and, accordingly, they shall be deprived of the enjoyment of the rights of citizenship; moreover, they shall be prosecuted and punished as deserters. Their description shall be directed by the Minister of War to all divisional commanders of the gendarmerie of the Republic.

54. Dating from 1 Nivose, Year VII, no Frenchman who has been or is subject to conscription shall be permitted the exercise of the rights of citizenship in any political assembly, in any public office, or in any service paid from the revenues of the Republic, unless he presents: 1st, an authentic certificate of his conscription; 2nd, a testimonial from the municipal and central administrations of the department of his domicile, stating that he has not been summoned for active service in the armies in conformity with the present law, or a statement from the administrative council of his corps which proves that he is on active service, or an

absolute discharge in good form, or a legal exemption from service.

55. Dating from said same time, no Frenchman, in the case of the preceding article, shall be permitted to receive an inheritance, in whole or in part, whether in direct or collateral line, or to receive directly or indirectly any legacy, pensions, donations, appointments, or other benefits whatsoever, unless he can satisfy the conditions prescribed by the preceding article.

56. All those who sign false certificates shall be considered abettors and accomplices of desertion, and shall be punished with five years' imprisonment.

57. If anyone is discharged, it shall be the oldest conscripted defenders. Those who, nevertheless, wish to continue their service through voluntary enlistment, in conformity with article 12 of the present law, shall be permitted so to do.

58. Any voluntary or conscripted defender who has been discharged may be recalled in his turn, if necessary, according to his age, and if he has not already spent four years in service or passed the age of conscription.

59. Absolute discharges may be granted henceforth only to those who have served for the time prescribed by the present law, or because of legally established wounds or infirmities.

The signatories of discharges issued in contravention of the present article shall be considered as abettors and accomplices of

desertion, and shall be punished with five years' imprisonment.

TITLE V GENERAL PROVISIONS

60. Legislation shall be enacted by a special law concerning absolute discharges to be issued in time of war, when the Executive Directory shall inform the Legislative Body that circumstances permit the granting thereof; until such time, they shall be granted only because of legally established infirmities or wounds.

61. Dating from the day of publication of the present law, no French citizen may be promoted to the rank of officer unless he has served three years in the capacity of soldier or noncommissioned officer, except in the engineering corps or the artillery, in which the method of promotion shall be regulated by a special law, or except for conspicuous service on the field of battle.

62. As soon as circumstances permit, schools of instruction for officers, noncommissioned officers, and soldiers shall be created in all corps; the organization of such schools shall be determined by a special law.

IV. RENEWAL OF THE EUROPEAN WAR;

THE THIRD COUP D'ETAT (30 PRAIRIAL)

The formation of the Second Coalition was followed, almost immediately, by the outbreak of hostilities (158). Again the fighting took place in the Rhineland and Italy. But this time the armies of the Coalition were more than a match for those of the

French. By the end of the Summer, the Revolutionary forces had suffered serious reverses on both fronts, and virtually all of their recently established empire of republics had disappeared. This was the unhappy state of affairs which faced Bonaparte upon his return from Egypt.

Nor were the difficulties confined to the field of military activities. The elections of 1799 had returned still more “republicans.” Would the purging tactics of 1798 be repeated? In all probability such might have been the case, but in this instance the legislature took the initiative and purged the Directory. This was the *coup* of 30 Prairial, Year VII (18 June, 1799) (159). It was followed by many rigorous items of legislation, which the Directors, lacking veto power, were unable to check. One of the most significant of these was the Law of Hostages (160).

Now both the executive and the legislature had obtained power by unconstitutional means. The situation did not augur well for the future. And that future was to be profoundly affected by the fact that one of the new Directors was none other than that ubiquitous political oracle, Sieyes.

Before proceeding to the fall of the Directory, in the fourth and final *coup d'etat*, brief attention must be paid to the closing economic problems which the revolutionary leaders were to face, and many of which were to be left as a dubious legacy to their successors.

See footnote 1, Chapter Eight, *supra*, for members of the legislative body, etc.

[2](#)

Concerning the Egyptian expedition see: Berthier, Louis A., *Memoir of the Campaigns of General Bonaparte, in Egypt and Syria . . .*, tr. from the French by Thomas E. White (London, 1805); *Copies of Original Letters from the Army of General Bonaparte in Egypt, Intercepted by the Fleet under the Command of Admiral Lord Nelson*, 2nd ed. (London, 1798) [French texts with English translations]; Elgood P G., *Bonaparte's Adventures in Egypt* (London, 1931); Charles-Roux, Francois'

Bonaparte: Governor of Egypt, tr. from the French by E. W. Dicks (London 1937]' Bournenne is also a good source. ' ''

[3](#)

See Clercq, v. 1, pp. 353-354.

[4](#)

30 May, 1799 [Clercq, v. 1, pp. 363-368].

[5](#)

See documents 97 and 123, *supra*.

[6](#)

This “omission” appears in Duvergier’s draft.

[7](#)

Document 123, *supra*.

[8](#)

Ibid.

[9](#)

**This “omission” appears in Duvergier’s draft. , .
 . .**

[10](#)

Duvergier uses only *verbal* instead of the obvious *procte-verba*V, it is probably a typographical error.

158. French Declaration of War on Austria

12 March, 1799 (22 Ventose, Year VII)

SOURCE: Duvergier, v. 11, pp. 179-183. See also: B. and R., v. 38, pp. 26-35; Clercq, v. 1, pp. 375-382.

Obviously this document is a statement of alleged reasons *for* declaring war rather than the actual brief official pronouncement of a state of war (which followed immediately, but is not included here). Its claims should be compared with the terms of Campo Formio.¹¹

*** * #**

Citizen Representatives:

Whatever the magnitude of the events which have transpired since the conclusion of the Treaty of Campo Formio, the memory of those

¹¹ Document 151, *supra*. which preceded it still lingers. It has not been forgotten that it was after five years of triumphs, and when the French armies were at last only thirty leagues from Vienna, that the Republic agreed to suspend the course of its victories, and preferred the immediate re-establishment of peace rather than the success of some final efforts. It is remembered that, when the treaty became known, the moderation of the victor seemed so great that it almost needed an apology.

Could it have been foreseen that this pact, the force of which has been shown to be so indulgent, in which the most liberal compensation was to stifle every

regret, far from obtaining the stability which it seemed to promise, would be, from its very beginning, only the false security of an ephemeral reconciliation, and that all the sudden attacks made upon it would emanate from the power which owed it ample indemnification for the losses it had experienced as a result of the war!

Indeed, what a strange and sustained contrast! While the Republic has constantly applied itself to fulfilling each stipulation of a treaty, which is in proportion neither to its successes nor to what legitimate vengeance it might obtain for the plans of destruction contrived and pursued against it, Austria, instead of showing itself satisfied with a *rapprochement* which has spared it the greatest misfortunes, has seemed occupied only in impairing, in destroying the pact which has proved to be its salvation.

Among the violations of the treaty which that power has perpetrated, some have been so manifest that they have already aroused the astonishment of Europe and the indignation of Republicans; others, less public or less obvious, have been, however, no less hostile; and the Executive Directory can defer no longer in reminding the Legislative Body of all the circumstances of the conduct of the Austrian cabinet, a conduct indeed offensive [and] hostile to the state of peace . . .

At the very time when the Treaty of Campo Formio was concluded, it had been reciprocally stipulated, by an act supplementary to the treaty, that all the territory from the Tyrol and the boundary of the Austrian States to the left bank of the Main,

should be evacuated immediately by the French troops and by those of the Emperor, as well as by those of the Empire who were in the pay of said prince, except the locality of Kehl, which was to remain in the hands of the Republic; a still more special convention, concluded and signed at Rastadt, on

11 Frimaire, Year VI,¹² renewed that pledge and set a definite time for its fulfillment.

¹² 1 December, 1797. [Clercq, v. 1, pp. 345-346.]

On the part of the Republic, such fulfillment has been prompt and complete;

On the part of Austria, it has been deferred, evaded, and not yet accomplished.

He [the Emperor] has not ceased to maintain troops and a staff in Ulm, in Ingolstadt . . .

All the fortresses of Bavaria have remained at his disposal; and, far from having been evacuated according to the terms of the treaty, we see that today that duchy contains 100,000 Austrians ...

If that Court [of Vienna] had ever intended to prove itself faithful to its treaty, the first effect of such disposition would doubtless have been the urging of the simultaneous re-establishment of respective legations; but, far from Austria's having wished to take any initiative in such connection, what was the astonishment of the Executive Directory when it was informed that at Vienna the plenipotentiaries sent by both sides to the Congress of Rastadt were considered sufficient for

the maintenance of communications between the two States, and that the Treaty of Campo Formio was regarded as needing further development through the treaty with the Empire before the customary relations of a perfect understanding might be entirely re-established! Such an indifferent interpretation of the treaty ... did not presage that it would be respected for long.

The Executive Directory doubtless must have been animated by a profound love of peace, or it would have heeded the evidence of the hostile temper of the House of Austria and replied to its provocations.

At Rastadt, from the opening of the Congress, it saw that both the Imperial and the Austrian Ministers had continuously shown themselves antagonistic to all proposals of the Republic, and to all those which might be conducive to a definitive and stable pacification.

It was aware of the difficulties that were being created at Vienna in the matter of recognizing the Cisalpine Minister . . .

It was informed that the Austrian Cabinet (whatever the personal opinion of the Emperor), yielding more than ever to the pressure of England, was giving the Cabinet of Naples assurances which caused it to take most extravagant measures, was more secretly directing Piedmont, which it had but recently consigned to partition, and was endeavoring to draw from its neutrality the Prussian Government, which it wished to arm against France, after having attempted to arm France against it.

What motives to abjure an unrecognized treaty, violated by Austria, and ceasing to be obligatory for the Republic! But the patience and resolutions of the Executive Directory were to prove themselves even superior to a more direct provocation.

[The provocation, discussed in the ensuing two paragraphs, refers chiefly to Austrian attempts to alienate the Helvetic Republic and regain northern Italy.]

The Directory was not unaware of all these perfidious calculations, but it still eschewed finding formal aggression therein; and it was only when the premature attack of the King of the Two Sicilies opened a new war that the Directory, having acquired proof of the complicity of the King of Sardinia and wishing to avert the effect thereof, seized its strongholds, thus anticipating by several days the occupation which was about to be made by the Austrian troops . . .

But, at the same time that the republican armies were repulsing aggression in Italy and forestalling perfidy, the Directory, although it was aware of the treaty between Vienna and Naples,¹³ although it saw an Austrian general at the head of the Neapolitan army and knew of the troop movements which had taken place in the Tyrol and northern Italy, still persisted, however, in professing a desire to remain at peace with the Emperor . . .

¹³ Treaty of Vienna, 19 May, 1798 [Martens, v. 6, pp. 456-458].

...

Twenty-five thousand Russians were advancing towards Germany; they were to be followed by several equally numerous corps. The Monarch of Russia had proclaimed throughout all Europe his hostile plans against the Republic, and while his fleets, obtaining passage of the Straits, were entering the Mediterranean to attack the French possessions there, his troops were likewise seeking an outlet to the continent in order to reach those of the Republic; and it was at the moment when the Emperor found himself still in a state of peace, and when the Empire, neutralized by a special armistice, was nearing the end of its pacification, that an aggressor prince, an ally of Constantinople and London, wishing to unite his efforts with theirs, presented himself on the Austrian frontier. His army was received there unimpeded; it became obvious that it had been expected. The Emperor left his capital, went before the Russians himself, listened to their clamor, and became a party to their schemes by overwhelming them with gifts and attentions.

Astonished by such scandalous conduct, and informed that the Russians were about to pass from Austrian territory over even that of the Empire, the Executive Directory, still curbing the first transports of national pride, contented itself with asking the Emperor and the Empire for explanations.

The Emperor remained silent; his plenipotentiary would have liked to deny that he had received the note from the French ministers; the Imperial deputation referred the matter to the Diet; and it, in turn, referred it to the Emperor.

The progress of the Russians, however, continued; they had crossed Moravia and Austria; they were approaching the frontiers of Bavaria . . .

The time had come, then, when the Executive Directory was no longer free to temporize and use language which might compromise national dignity and the security of the State. The Republic had granted peace as soon as it had been requested, and it had exhausted itself in efforts to maintain what it had granted; but it finally became necessary for it to know all its enemies, and for those who wished war to be forced to explain themselves.

Such was the spirit and aim of two notes sent on 12 Pluviose last¹⁴ to the Austrian Minister at Rastadt and to the deputation. A time was specified within which His Majesty could give a categorical and satisfactory reply, failing which his silence or refusal would be regarded as a hostile act. Said interval expired on 27 Pluviose, and no reply has yet arrived.

¹⁴ i.e., 31 January, 1798.

Such, Citizen Representatives, has been the conduct of the Court of Vienna. It is through such a sequence of acts that the Treaty of Campo Formio, disregarded from the very first, not put into effect by Austria in several of its major provisions, compromised and invalidated daily by hostile preparations or actions, finally finds itself sacrificed today to the extravagant ambition of the Russian Monarch and the perfidious calculations of England. It is thus that the Emperor, forced perhaps from his own resolutions, at the same time compromises the fate of the Empire and deprives it of the benefit of a

peace begun, and again exposes Germany to all the hazards of a war in which the Emperor and the Empire are now only the auxiliaries of Russia.

Thus, since the decisions of the Court of Vienna involve those of the Court of Tuscany, the Executive Directory is unable to differentiate between them. Forced then, in the terms of the declaration made at Rastadt, to regard the silence of the Emperor as a hostile measure, and informed, moreover, that Austrian troops have already made aggressive maneuvers in Bavaria and towards Swabia, the Executive Directory, renouncing with regret the hope of maintaining peace in Germany, but always disposed to entertain suitable proposals which might be made for a new and complete reconciliation, informs you, Citizen Representatives, that it has already taken the measures it has deemed necessary for the defence of the State, and proposes that you declare war on the Emperor, King of Hungary and Bohemia, and on the Grand Duke of Tuscany.

[Signature]

159. Law of 30 Prairial

18 June, 1799 (30 Prairial, Year VII) SOURCE: Duvergier, v. 11, pp. 240-241. See also: H61ie, p. 549.

In view of the constitutional powers by means of which the Directory could preserve domestic peace and order, such a procedure as here indicated was hardly necessary. It suggests the manner in which so-called emergency legislation might be used against alleged public enemies.

* * *

Any authority or any individual who makes an attack upon the security or the liberty of the Legislative Body, or upon any of its members, either by giving or by executing an order, shall be outlawed.

160. Law of Hostages

12 July, 1799 (24 Messidor, Year VII)

SOURCE: Duvergier v 11, pp 278-281. See also: *Moniteur*, 18 July, 1799 (30 Messidor, Year VII), Rep., v. 29, pp. 739-740 [lacks preamble]; B and R v 18 pp. 81-86 *passim* [partial text]; Helie, pp. 553-556.

In a sense a new version of the Law of Suspects,¹⁵ this law was obviously designed to protect revolutionaries against their enemies, and especially against royalists. As in all cases involving hostages, it made the *group* responsible for¹⁵ See document 99, *supra*. the crimes of the *individual*. Instead of producing the desired degree of intimidation, it only antagonized those against whom it was directed, and created more enemies for the Directory.

The Council . . . considering that it is urgent that effectual measures be taken to arrest the progress of the system of assassination and brigandage organized in divers parts of the Republic against public functionaries, purchasers or possessors of national domains, and all citizens devoted to the Constitution of the Year III;

Approves the act of urgency and the following resolution.

1. When a department, canton, or commune is notoriously in a state of civil disturbance, the Executive Directory shall propose to the

Legislative Body that it be declared included in the following provisions.

2. The kinsmen of *emigres*, their relatives by marriage, and former nobles included in the laws of 3 Brumaire, Year IV, and 9 Frimaire, Year VI,¹⁶ the grandfathers, grandmothers, fathers and mothers of persons who, without being ex-nobles or kinsmen of *emigres*, are, nevertheless, notoriously known as participating in gatherings or bands of assassins, are personally and civilly responsible for assassinations and acts of brigandage committed in the interior, out of hatred of the Republic, in the departments, cantons, and communes which are declared in a state of disturbance.

3. Immediately after the publication of the law rendered in execution of article 1, the central administrations shall take hostages from the classes above designated, in the communes, cantons, and departments which are in a state of disturbance; nevertheless, and in case of imminent disturbances, although the department, canton, or commune be not yet declared by law in a state of disturbance, said same administrations are authorized to take hostages provisionally; they shall inform the Executive Directory thereof within twenty-four hours.

4. The hostages shall be established, at their own expense and in one and the same locality, in a commune of the department, under the supervision

of the central and the municipal administrations and of the commissioners of the Executive Directory at said same administrations.

¹⁶ 25 October, 1795, against seditious persons [Duvergier, v. 8, pp. 354-355]; and 29 November, 1797, against former nobles [*ibid.*, v. 10, p. 123].

5. Hostages who, within ten days of the warning served on them by a gendarme, do not repair to the place indicated by the administrations, shall be brought thereto by the armed forces; those who escape therefrom shall be classified personally as *emigres*, and considered and treated as such.

6. Former nobles and kinsmen of *emigres* who have regularly held public office by popular election, or who are included in the exceptions provided by the laws of 3 Brumaire, Year IV, and 9 Frimaire, Year VI,¹⁷ are excepted from the above provisions.

7. In conformity with article 1, the central administrations shall draw up, in the month of publication of the law indicating the communes, cantons, or departments wherein the present law shall be applicable, a list of all individuals subject to the personal and civil guarantee sanctioned by article 2.

8. In such list the central administrations shall include all individuals designated in the second article who were resident in their respective *arrondissements* on 1 September, 1791.

9. If an assassination is committed upon a citizen who has been • since the Revolution, or is at

present, a public functionary, or defender of the *Patrie*, or purchaser or owner of national domains, the Executive Directory, after having consulted the central administrations, is responsible for causing to be deported outside the territory of the Republic, within two *decades* of the assassination, four of the individuals designated in article 2 for every person assassinated, taken in the first place from among the noble kinsmen of *emigres*, secondly from among former nobles, and successively from among the kinsmen of individuals participating in the gatherings.

The abduction of the citizens above designated, their fathers, mothers, wives, or children, shall give rise to the same penalty of deportation and, moreover, to the fines and indemnities hereinafter established, if they are not placed at liberty within twenty-four hours after the abduction.

In all cases of abduction of one of the persons above designated, the guarantors shall be subject to a fine of 6,000 francs, without nevertheless, affecting the penalties provided by the Code of Crimes and Penalties against the authors of the offence.

10. The penalty of deportation does not apply to hostages when one of them has formally denounced and procured the arrest of the individuals who would then be declared guilty of the crime.

11. The property of deported hostages shall be placed under

¹⁷ See note 16, *supra*. sequestration and shall so remain until the completion of the sentences

pronounced against them, and until the presentation of a legal certificate stating that they are being deported.

12. Violation of deportation shall be considered as emigration, in so far as the personal property of the deported persons is concerned.

13. Independently of the penalty of deportation prescribed by article 9 above, the persons designated in article 2 shall be responsible respectively in each department, civilly and jointly and severally, for a fine of 5,000 francs for each individual designated in article 9 who is assassinated, whether separately, or in a fight, or in any other manner whatsoever.

14. The fine of 5,000 francs shall be paid within two weeks . . . of the assassination or the abduction.

15. In addition to the fine of 5,000 francs . . . , the said individuals designated in article 2 shall be civilly and jointly and severally guarantors of and responsible for an indemnity, which may not be less than 6,000 francs in favor of the widow and 3,000 francs for each of the children of the person assassinated.

16. Citizens of the type designated in article 9 who, though maimed, survive their wounds, shall have a right to an indemnity, which may not be less than 6,000 francs.

17. Citizens who, in execution of a particular mission given them by a civil authority or by a military order, have devoted themselves to the search for returned *emigres*, priests who have been

deported or are subject to deportation, [and] assassins, and who are assassinated or maimed in the course of or following such mission or military order, shall have a right to the same indemnities as above for themselves, their wives, and their children.

18. The above indemnities shall be paid within ten days after the order from the central administration.

19. The persons included in article 2 are likewise responsible, in each department, civilly and jointly and severally, whether towards the Republic or towards individuals, for removal of crops, extortion of rents, and spoliation of public funds, as well as for fires, damages, and pillages committed on properties.

20. The indemnities resulting from the crimes included in the preceding article shall be regulated by order of the central administrations within ten days of the crime, and paid within the following ten days; they shall be equivalent to the items pillaged, burned, or devastated. Moreover, the guarantors shall be subject to a fine equal to the value of said items.

...

22. The central administrations shall regulate said indemnities and fines on the basis of an examination of *proces-verbaux* drafted by the municipal agents, or police commissioners, or justices of the peace, or commandants of the armed forces . . .

[Articles 23 and 24 deal with the drafting of the *proces-verbaux* referred to in article 22.]

25. The fines prescribed by articles 13, 20, and 24 shall be deposited in the office of the cashier of the general receiver of the department, who shall open a special account for such purpose; they shall remain specially appropriated to compensate citizens who contribute toward the arrest of *emigres*, or deported priests who have returned, or anyone subject to deportation, or any individual who participates in gangs of ruffians designated on the list.

26. The compensations mentioned in the preceding article are fixed, to wit: for an *emigre*, or a deported priest who has returned, or one subject to deportation, or a leader of ruffians, at the sum of from 300 to 2,400 francs; and for other individuals participating in gangs of ruffians, at from 200 to 600 francs. Such compensations shall be regulated by the central administrations.

27. The gendarmes and National Guards, sedentary or on active duty, who are employed against gangs of ruffians shall have a right to the same compensations.

28. The compensations shall be paid by the general receivers of the departments, on requisitions from the central administrations, to be deducted from the funds deriving from the fines prescribed by and deposited in accordance with the present law.

29. The compensations granted to gendarmes and National Guards, sedentary or on active duty, shall be distributed equally among the military men who have contributed to the arrest of the individuals designated in article 26 above.

30. In default of funds from fines in the office of the cashier of the receiver of the department, the individuals designated in article 2 shall be required jointly to deposit in the office of the cashier of said receiver, within ten days following the order of the central administration, the amount of the compensations granted.

31. If, within the aforesaid limits, the persons responsible for depositing the fines, indemnities, and compensations hereinabove mentioned have not done so, they shall be sentenced by the civil court of the department, with prosecution and action by the commissioner of the Executive Directory at said court. Accordingly, the central administrations shall be required to direct to said commissioner a copy of the order establishing said fines, indemnities, or compensations, with a statement of estimate of the property of the individuals responsible for payment, and to have the property of said same individuals placed under sequestration until the completion of the sentences, under penalty of a fine of 1,000 francs against each member of said administration.

32. The commissioner of the Executive Directory connected with the court shall be required, under penalty of a fine of 100 francs, to furnish his list of charges to said civil court within three days after the reception of the order from the central administration; and, within the three following days, the court likewise shall be required, under penalty of a fine of 1,000 francs against each of its members, to pronounce upon a simple examination of the aforesaid order.

33. The above fines shall have the same destination as those mentioned in article 25.

34. If, within the three days following the notification of the decision given by the civil court, the sentenced person or persons do not deposit in the cashier's office of the general receiver the amount of the aforementioned fines, indemnities, or compensations and expenses relative thereto, they shall be compelled so to do by seizure and sale of their property, and by joint and separate liability in the prescribed forms.

35. The decisions given by the civil courts shall be executed, appeal notwithstanding.

36. On the advice of the municipal administrations, the central administrations shall draw up, within a month of the publication of the law designating the communes, cantons, or departments wherein the present law shall be applicable, a list of all persons who are notorious for having participated in gangs of assassins.

37. Individuals participating in the aforementioned assemblages or gangs of known assassins, and who prove that they are artisans, day laborers, or cultivators, shall be allowed, within two weeks from the publication of the law indicating the departments, cantons, or communes wherein the present law shall be executed, to return freely to their homes, and may not thereafter be disquieted; upon condition, on the part of said individuals, that they present themselves within said time to the central administration, and that they deposit therewith a good single- or double-barreled gun.

The central administrations are authorized to strike definitively from the list which is drawn up in execution of the preceding article all persons who deposit said arms within the aforesaid time.

38. Leaders already pardoned by amnesty, whatever their rank has been, or former privileged persons, even without rank, whether pardoned by amnesty or not, or *emigres*, or priests, deported, returned, or subject to deportation, may not enjoy the right granted by the preceding article; the legislation concerning the last named shall remain in force in its entirety.

39. All persons placed on the list drawn up by virtue of article 36, who do not take advantage of article 37 within the prescribed time limit, are considered personally as *emigres* and treated as such; accordingly, they shall be brought before a military commission and sentenced to the penalty of death, whether they have been captured bearing arms or not.

40. Grandparents and parents of persons placed on the list which is drawn up in execution of article 36, who do not take advantage of article 37 above, are personally considered as relatives of *emigres*, and subject to the same indemnity, in the forms and within the limits prescribed by these last, without permission to claim the *minimum* of wealth.

41. Persons convicted of having knowingly given refuge to assassins shall be subject to the civil and personal guarantee prescribed by article 2.

42. The lists drawn up in execution of articles 7 and 36 shall be printed and posted in all communes of the respective departments, within the four *decades* following the publication of the law indicating the communes, cantons, or departments in which the present law shall apply, moreover, said lists shall be directed, within said same time, to the minister of general police.

43. As a consequence of the above provisions, the law of 10 Vendemiaire, Year IV,¹⁸ shall cease to apply, except for the responsibility established against the communes, dating from the publication of the law declaring that the present law is to be executed in a department, canton, or commune. Laws tending to prevent or punish offences 2 October, 1795, on policing of communes [Duvergier, v. 8, pp. 301-304], shall continue to be executed in so far as they are not contrary to the present one.

44. When a department, canton, or commune is declared in a state of disturbance, the effect of such declaration shall be terminated only by law.

45. The present law shall be executed only until the general peace; it shall be proclaimed and posted in all communes of the Republic.

V. ECONOMIC PROBLEMS OF THE SECOND PHASE OF THE DIRECTORY

Sufficient has been said in Section II of Chapter Eight, *supra*, to give a general impression of economic trends throughout the period of the Directory as a whole. During the last two years of the period, the items meriting serious consideration here may be limited to finances, taxation, the metric system, and economic warfare.

In finances the process of liquidating the *assignats* continued. In connection with taxation, resort was had, without marked success, to extraordinary measures such as forced loans, income taxes, and further sumptuary taxes. The final legislation on the transformation of livres into francs took form (161), as did that completing the metric system (162, 163). And the existing economic warfare was continued and extended. Elsewhere no pronounced changes were evident.^{[1](#)}

When the Directory ended in the Autumn of 1799, a great part of the economic work undertaken by the eager deputies to the Estates General in 1789 still remained to be terminated by the man on horseback.

161. Decree on Francs and Livres

18 October, 1799 (26 Vendemiaire, Year

SOURCE: **Duvergier, v. 11, pp. 366—368. See also: Bloch, *Monnaie*, pp. 501, 526-529.**

The traditional *livre* had already been supplanted by the *franc*,²⁰ which has remained as the basic monetary unit of modern France. This decree simply provided the definitive legal relationship between the old and the new financial measures.

The Executive Directory, in view of the law of 17 Floreal, Year VII, establishing the rules of accountancy in conformity with the new system of weights and measures,²¹ and deeming it necessary to anticipate difficulties and abuses which might result from the application to public accountancy of computation by francs and the fractions thereof; having heard the report of the Minister of Finance,

Decrees:

1. The two tables annexed to the present decree, the first establishing the value of the franc and the fractions thereof in terms of the *livre tournois* and the fractions thereof, and the second establishing such latter value compared with the former, shall serve as a basis and rule for public accounts, dating from the Year VIII.

2. Money, either of copper or of bell metal alloyed with copper, of the old type, and that of copper alloy commonly known as *gray money*, shall be used in receipts and expenditures as fractions of the franc, as are pieces of one *decime*, five *centimes*, and one *centime*, for the same value as said pieces, dating from said same time.

3. The Minister of Finance is responsible for the execution of the present decree.

[Then follow the two tables referred to in article 1. The first establishes the franc as equal to 1 *livre*, 3 *deniers*; 100 francs as equal to 101 *livres*, 5 *sous*.

The second shows that 1 *jom*=0.05 *centime*, 1 *livre*=0.99 *centime*, 100 *livres*— 98 *francs*, 77 *centimes*, and so on.] In April, 1795, see Chapter Seven, Section II, note 19, *supra* 6 May, 1799 [Duvergier, v. 11, pp. 211-212].

162. Proclamation on Weights and Measures

29 July, 1799 (11 Thermidor, Year VII)

SOURCE: Duvergier, v. 11, pp. 286-287.

The establishment of a new system of weights and measures had occupied the attention of all the revolutionary assemblies.²² This document, providing for the inauguration of the new system for measurements of *volume*, and the following document, giving the final determination of measures for *distance*, rounded out the work of the revolutionaries in this connection.

*** * ***

Citizens, according to the agreement made by several coopers of Paris to have the number of new measures necessary for the service of the markets and shops of this department by 1 Vendemiaire next, the Executive Directory, on 19 Germinal last, issued a proclamation to render the new measures of volume for grain in the Department of the Seine obligatory after said date.²³ Such provision would be

somewhat inadequate if the introduction of new measures of volume for wine and other liquids did not follow immediately; it was with pleasure that the Executive Directory saw that this could be done simultaneously, by means of a similar agreement endorsed by several pewterers. Accordingly, wishing to have measures of volume of every kind appear at the same time;

²³ 8 April, 1799 [Duvergier, v. 11, pp. 192-193]. .

In view of the laws of 18 Germinal, Year III, and 1 Vendemiaire, Year IV,²⁴ and having heard the report of the Minister of the Interior on the state of the preparatory work, the Directory decrees and proclaims as follows.

²⁴ 7 April, 1795 [document 147, *supra*], and 23 September, 1795 [Duvergier, v. 8 pp. 285-287], on weights and measures.

1. Dating from 21 Vendemiaire, Year VIII, wine, vinegar, brandy, milk, and any other liquids whatsoever which are sold in measures known as *pinte*, *chopine*, *demi-setier*, *poisson*, and *roquille* may not be sold within the Department of the Seine, either in shops and stores or in portable displays and on public streets, except in the new measures designated in the table hereinafter indicated.

2. To which purpose, from now until the established date of 21 Vendemiaire, Year VIII, all merchants using liquid measures within the department shall be required to procure, at their own expense, those of said new measures which are necessary to them.

-- See documents 106, 119, *supra*.

3. None of said measures may be offered for sale or used in commerce unless it bears, distinctly and legibly, the name belonging to it and the particular mark of the manufacturer, in conformity with the law of 18 Germinal, Year III,²⁵ and is inspected and marked with the stamp of the Republic.

Inspection shall be made gratuitously at the office established for such purpose at the Ministry of the Interior, as ordered by article 17 of said law.²⁶

²⁵**7 April, 1795 [document 119, *supra*],**

²⁶ *Ibid.*

4. Tin used in the manufacture of measures may contain sixteen and one-half per cent alloy, with allowance for one and one-half per cent; those of said measures manufactured of tin and containing more than eighteen one-hundredths alloy may not be stamped . . .

5. Dating from said same time of 21 Vendemiaire, Year VIII, the former measures of *pinte*, *chopine*, *demi-setier*, and others used in measuring liquids shall be considered false and illegal measurements, even if they have been verified and stamped previously; likewise, new measures, or those presented as such, which have not been invested with the stamp of the Republic shall be declared false and illegal. Manufacturers who sell measures which are declared false by the present article, and merchants who retain them in their

shops and stores, shall be prosecuted as contravening the laws on weights and measures.

6. Dating from said same time, no wine, cider, brandy, or other liquids in barrels may be displayed for sale in the harbors, market places, or markets of the Department of the Seine, unless the cask bears, in visible and indelible characters, either on the bottom or elsewhere, an indication in figures of the number of liters it contains.

7. The Minister of the Interior is responsible for publishing the necessary tables of comparison for the instruction of citizens, and for supervising, along with the Ministers of Police and Justice, the enforcement of the present decree, which shall be posted and published in the Department of the Seine and printed in the Bulletin of Laws.

Table of new liquid measures established in place of the *pinte* and subdivisions thereof, the *seder*, and the *muid*, etc.:

The liter shall replace the *pinte*, it is about one-fourteenth larger, so that fourteen liters equal about fifteen *pintes*.

The *pinte* is seven per cent smaller than the liter; that is, one hundred *pintes* equal only ninety-three liters.

That which costs one franc per *pinte* will cost one franc, seven and one-half centimes per liter.

The measures smaller than the liter are:

The demiliter, which replaces the *chopine*, and which is one-fourteenth larger.

The double deciliter, which replaces the *demi-setier*, and which is one-seventh less; so that seven double deciliters equal six *demi-setiers*.

The deciliter, the tenth part of a liter, which replaces the *poisson*, and which is one-seventh less.

The demidecilter, the twentieth part of a liter, which replaces the *demi-poisson*, and which is one-seventh less.

If the liter costs one franc, or one hundred centimes, the demiliter will cost fifty centimes, the double deciliter twenty centimes, the deciliter ten centimes, and the demidecilter five centimes.

The liter, and the fractions thereof to the demidecilter, shall be the only liquid measures subject to stamping. All such measures, made in tin, must be in cylindrical form, and the height thereof must be twice the diameter; which will afford citizens a means of verifying them. Milk measures alone may, according to custom, be made of tinsplate; but the diameter must be equal to the height, as in the case of measures of the same name intended for measuring grain, flour, etc.

The measures larger than the liter are:

The double liter;

The demidecaliter, which contains five liters, and which equals five *pintes*, three *poissons*.

The decaliter, a measure of ten liters, which shall replace the *seder*, or *velte*, of eight *pintes*, and which equals ten and three-fourths *pintes*.

The demihectoliter, equal to fifty liters, or about fifty-three and three-fourths *pintes*.

The hectoliter, equal to 100 liters, or *pintes*.

The *muid* of 288 *pintes* contains 268 liters; three *muids* make only four and one-half liters more than eight hectoliters.

That which costs 100 francs per *muid* will cost thirty-seven francs, twenty-nine centimes per hectoliter.

If the contents of a barrel are marked as 538 liters, one may, by separating the last figure and counting the remainder as decaliters, compute the same contents as fifty-three decaliters, eight liters, and also compute them as five hectoliters, thirty-eight liters.

163. Law Determining the Value of the Meter and the Kilogram

10 December, 1799 (19 Frimaire, Year VIII)

SOURCE: Duvergier, v. 12, pp. 18-19.

As indicated in connection with the preceding document, this law was the last word on the metric system. It represents the completion of one of the really great contributions of the French Revolution to posterity—the basic system of scientific measurement in the modern world!

* * *

The commission of the Council of Elders, . . . resolving ... to adopt definitively the meter and the kilogram submitted to the Legislative Body by the National Institute of Arts and Sciences, and to strike a medal which may commemorate the achievement which serves as a basis therefor;

Considering that no time must be lost in establishing the value of the meter and the kilogram with all the precision which the labors of the savants who have determined it assure it, and in consecrating the glorious era for the French nation, for whom an operation so vast and of such great interest has been consummated . . . ,² approves the act of urgency and the following resolution.

1. The provisional establishment of the length of the meter at three feet, eleven and forty-four one-hundredths lines, ordered by the laws of 1 August, 1793, and 18 Germinal, Year III,^{3 4} is revoked and invalidated. The said length, constituting the ten-millionth part of the arc of the terrestrial meridian between the north pole and the equator, is definitively established, in its relation to former measures, at three feet, eleven and two hundred and ninety-six one-thousandths lines.

2. The meter and the kilogram in platinum, deposited on 4 Messidor last with the Legislative Body by the National Institute of Arts and Sciences shall be the definitive standards of linear and weight measurement throughout the entire Republic. Exact copies thereof shall be remitted to the consular

commission, to serve in directing the manufacture of the new weights and measures.

3. The other provisions of the law of 18 Germinal, Year III, concerning whatever is relative to the metric system, as well as the nomenclature and the manufacture of the new weights and measures,³ shall continue to be observed.

4. A medal shall be struck to commemorate the date at which the metric system was brought to perfection, and the achievement which serves as a basis therefor. The inscription, on the obverse side of the medal, shall be: *To all time, to all peoples;* and on the reverse, *French Republic, Year VIII.* The Consuls of the Republic are responsible for regulating the other details thereof.

VI. THE FALL OF THE DIRECTORY:

18 AND 19 BRUMAIRE

Impatient with the inactivity of his involuntary isolation in Egypt, Bonaparte apparently had long considered the possibility of returning to France. When, early in August, he was apprised of the successes of the Second Coalition, he made his decision. Leaving a letter naming Kleber his successor and a proclamation bidding his army farewell,³⁰ Bonaparte, with a few officers, departed secretly at the end of the month.³¹

³⁰ See *Correspondance de Napoleon Ier*, v. 5, pp. 572-575 and 577-578.

31 The army managed to hold out until 1801, when it surrendered to the English.

By good fortune Bonaparte reached France early in October. There he found that, owing to his careful censorship and propaganda, news of the favorable aspects of the Egyptian expedition had preceded him. His journey to Paris was again that of a conquering hero. Although the tide of battle had already turned in favor of France, he saw that there were still battles to be fought and won, and the domestic situation convinced him that his time had come.

Following the *coup* of 30 Prairial, factions were at work, conspiring to alter the government. Prominent among the several conniving groups were Sieyes, Barras, Fouche, and Lucien Bonaparte. By the time of Bonaparte's return from Egypt, Sieyes was looking for a military man to assist him in effecting the liquidation of radical opposition and reorganizing the government with a stronger executive. At first Bonaparte declined to commit himself to any of the groups—all of which made overtures to him. But finally he agreed to work for and with Sieyes and his associates, backed (it is now known) by the moneyed interests. Their plans were substantially as follows: (1) Lucien, now President of the Five Hundred, and Sieyes, one of the Directors, were to induce the Elders to transfer the legislature out of Paris, away from the influence of the radical elements; (2) Bonaparte was to be named commander of the forces of Paris, and would effect the "resignation" of the opposition; and (3) then a provisional government would be created to provide France with a new constitution. The date set

for effectuating the plan was 9 November (18 Brumaire).

On the evening of 8 November, 1799, those members of the Council of Elders who knew of the plot were summoned to meet on the following morning; potential opponents were not notified. When the session convened, the deputies were informed of a formidable Jacobin ‘conspiracy, to anticipate which they named Bonaparte commander of the Paris forces and decreed the transfer of the legislature to St. Cloud (164) as planned. Sieyes and Ducos resigned from the Directory, Barras was prevailed upon to do likewise, and the other Directors and their associates were placed in “protective custody.” But the plot almost miscarried. The following day at St. Cloud the legislators endeavored to prevent the *coup*, but in vain. Despite violence, and thanks to the timely intervention of brother Lucien, Bonaparte ultimately carried the day — but by force and not solely by constitutional means as had been planned.⁵

That night the “loyal” Rump of the Councils returned to the meeting place from which they had been ejected a few hours earlier. There they gave the proceedings an appearance of legality. Bonaparte, Sieyes, and Roger Ducos were named as provisional consuls, and two constitutional commissions, one from the Elders and one from the Five Hundred, were appointed to draft a new constitution (165, 166). At the same time, Bonaparte and the Five Hundred issued formal statements (167, 168).

164. Decree Transferring the Legislative Body to Saint-Cloud

9 November, 1799 (18 Brumaire, Year VIII)

SOURCE: **Duvergier, v. 11, pp. 373-374. See also: *Moniteur*, 10 November, 1799 (19 Brumaire, Year VIII), Rep., v. 29, p. 883; B. and R., v. 38, pp. 169-170.**

As indicated in the opening sentence, and to all intents and purposes, this was a perfectly constitutional decree for the purpose of protecting the legislature. The irony of the situation on 18 Brumaire, however, was that here the procedure was equally effective in facilitating the disestablishment of that body.

*** * ***

The Council of Elders, by virtue of articles 102, 103, and 104 of the Constitution,⁶ decrees as follows:

1. The Legislative Body shall be transferred to the Commune of Saint-Cloud; the two Councils shall hold their sessions there in the two wings of the palace.

2. They shall assemble there tomorrow, 19 Brumaire, at noon.

Any continuation of functions or deliberations elsewhere, or before said time, is forbidden.

3. General Bonaparte is responsible for the execution of the present decree. He shall take all measures necessary for the security of the national representation.

The general commanding the seventeenth military division, the guard of the Legislative Body, the resident National Guard, the troops of the line now in the Commune of Paris and the constitutional *arrondissement* and in the entire extent of the seventeenth division, shall be placed under his orders immediately, and are required to acknowledge him in such capacity. All citizens shall lend him aid on his first requisition.

4. General Bonaparte shall be summoned into the midst of the Council, there to receive a copy of the present decree, and to take oath. He shall act in concert with the commissions of inspectors of the two Councils.

5. The present decree shall be transmitted immediately, by a messenger of State, to the Council of Five Hundred and the Executive Directory; it shall be printed, posted, promulgated, and dispatched to all communes of the Republic by special messengers.

The Council of Elders decrees, moreover, the following address to the French people:

The Council of Elders to the French People

Frenchmen, the Council of Elders uses the right delegated to it by article 101 of the Constitution to change the location of the Legislative Body.^{[7](#)}

It uses said right to curb the factions which intend to subjugate the national representation, and to give you internal peace.

It uses said right to bring the external peace, which your long sacrifices and humanity beseech.

Common safety and common prosperity, such is the purpose of this constitutional measure; it will be accomplished.

And you, inhabitants of Paris, be calm; before long the presence of the Legislative Body will be restored to you.

Frenchmen, the outcome of this day will soon prove whether the Legislative Body is worthy to provide for your welfare, or able to do so.

Long live the people, by whom and in whom the Republic exists! The present address shall be printed, proclaimed, and posted, along with the decree of transfer of the location of the Legislative Body, as if constituting a part thereof.

165. The Brumaire Decree

10 November, 1799 (19 Brumaire, Year VIII)

SOURCE: Duvergier, v. 12, pp. 1-2. See also: *Moniteur*, 12 November, 1799 (21 Brumaire, Year VIII), Rep., v. 29, pp. 893-894; B. and R., v. 38, pp. 227-229, Helie, pp. 558-559 [omits names in art. 1].

The Brumaire Decree is significant because it pronounced the disestablishment of the Directory and inaugurated the process which was to result in the establishment of the Napoleonic Consulate before the year had ended. Moreover, in so doing it virtually completed the transformation of the

revolutionary government into a military dictatorship.

*** * ***

The Council . . . , considering the situation of the Republic . . . ,³⁵ approves the act of urgency and the following resolution:

1. The Directory no longer exists; and the individuals hereinafter named are no longer members of the national representation because of the excesses and crimes in which they have continually engaged, and especially the greatest number of them in this morning's session:

[Then follows a list of sixty-one names.]

2. The Legislative Body creates provisionally an Executive Consular Commission, composed of citizens Sieyes and Roger Ducos, former Directors, and Bonaparte, General, who shall bear the name of Consuls of the French Republic.

3. Said Commission is invested with the plenitude of directorial power, and is particularly charged with establishing order in all branches of the administration, with re-establishing internal tranquillity, and with obtaining an honorable and stable peace.

. . .

5. The Legislative Body adjourns itself until 1 Ventose next, at which time it shall reassemble at Paris, without need of sanction.

6. During the adjournment of the Legislative Body, the adjourned members shall preserve their indemnity and their constitutional guarantee.

7. They may be employed as ministers, diplomatic agents, delegates of the executive consular commission, and in all the other civil offices, without losing their status as representatives of the people. They are even invited, in the name of public welfare, to accept them!

³⁵ Both these “omissions” appear in the text.

8. Before its separation, . . . each Council shall appoint a commission of twenty-five members from its own midst.

9. The commissions named by the two Councils shall legislate, with the formal and necessary proposal of the Executive Consular Commission, upon all urgent matters of police, legislation, and finance.

10. The commission of the Five Hundred shall exercise the initiative; the commission of the Elders, the consent.

11. The two commissions are further responsible for preparing . . . the changes which are to be brought about in the organic arrangements of the Constitution, the faults and inconveniences of which have been shown by experience.

12. Such changes may have as their aim only the inviolable consolidation, guarantee, and consecration of the sovereignty of the French people, the Republic one and indivisible, the

representative system, the division of powers, liberty, equality, security, and property.

13. The Executive Consular Commission may present them with its views in such connection.

14. Finally, the two commissions are charged with the preparation of a Civil Code.

15. They shall sit at Paris in the palace of the Legislative Body, and they may convoke it in special session for the ratification of peace or in serious public danger.

16. The present [resolution] shall be printed, dispatched by special messengers into the departments, and solemnly published and posted in all communes of the Republic.

[Signatures; followed by approval of the Elders and the Consuls.]



166. Act for the Formation of a Temporary Legislative Commission

10 November, 1799 (19 Brumaire, Year VIII)

SOURCE: Duvergier, v. 12, p. 2.

This document is the logical consequence of article 8 of the Brumaire Decree³⁶ It indicates the manner in which the Council of Five Hundred complied with the provision of that article. On the same day, in a similar pronouncement, the [8](#) Council of Elders

appointed its commission, consisting of twenty-five members,³⁷ most of whom were so obscure that there would seem to be little point in listing their names here.

*** * ***

In execution of the law of this day providing that before its adjournment . . . each council shall select from within its midst a commission composed of twenty-five members, who shall legislate during the adjournment of the Legislative Body, with the formal and necessary proposal of the Executive Consular Commission, on all urgent matters of police, legislation, and finance;

The Council of Five Hundred appoints, to constitute the commission which it is responsible for selecting from its midst, the representatives of the people: Cabanis, Boulay (de la Meurthe), Chazal, Lucien Bonaparte, Chenier, Creuze-Latouche, Berenger, Daunou, Guadin (de la Loire), Jacqueminot, Beauvais, Arnould (de la Seine), Mathieu, Thiesse, Villetard, Girot-Pouzol, Casenave, Chollet (de la Gironde), Ludot, Devinck-Thierry, Fregeville, Thibaut, Chabaud (du Gard), Bara (des Ardennes).

The Consuls of the Republic order that the above act of the Council of Five Hundred be published and executed, and that the Seal of the Republic be placed thereupon.

[Signature]

167. Bonaparte's Statement upon Becoming Consul

10 November, 1799 (19 Brumaire, Year VIII)

SOURCE: *Correspondance de Napoleon Ier*, v. 6, pp. 5-6.
See also: *Moniteur*, 13 November, 1799 (23 Brumaire, Year VIII), Rep., v. 29, p. 900.

This obviously propagandist statement, so reminiscent of the twentieth-century dictators, reveals much of Bonaparte—his ambitions, his egotism, his ability to rationalize situations to suit himself. It is significant because it was his first important state paper after achieving the rank of Consul,

*** * ***

On my return to Paris I found division among all authorities, and agreement upon only one point, namely, that the Constitution was half destroyed and was unable to save liberty.

³⁷ Duvergier, v. 12, p. 3.

All parties came to me, confided to me their designs, disclosed their secrets, and requested my support; I refused to be the man of a party.

The Council of Elders summoned me; I answered its appeal. A plan of general restoration had been devised by men whom the nation has been accustomed to regard as the defenders of liberty, equality, and property; this plan required an examination, calm, free, exempt from all influence and all fear. Accordingly, the Council of Elders resolved upon the removal of the Legislative Body to Saint-Cloud; it gave me the responsibility of disposing the force necessary for its independence. I believed it my duty to my fellow citizens, to the

soldiers perishing in our armies, to the national glory acquired at the cost of their blood, to accept the command.

The Councils assembled at Saint-Cloud; republican troops guaranteed their security from without, but assassins created terror within. Several deputies of the Council of Five Hundred, armed with stilettos and firearms, circulated threats of death around them.

The plans which ought to have been developed were withheld, the majority disorganized, the boldest orators disconcerted, and the futility of every wise proposition was evident.

I took my indignation and grief to the Council of Elders. I besought it to assure the execution of its generous designs; I directed its attention to the evils of the *Patrie* . . . ; it concurred with me by new evidences of its steadfast will.

I presented myself at the Council of Five Hundred, alone, unarmed, my head uncovered, just as the Elders had received and applauded me; I came to remind the majority of its wishes, and to assure it of its power.

The stilettos which menaced the deputies were instantly raised against their liberator; twenty assassins threw themselves upon me and aimed at my breast. The grenadiers of the Legislative Body whom I had left at the door of the hall ran forward, placed themselves between the assassins and myself. One of these brave grenadiers had his clothes pierced by a stiletto. They bore me out.

At the same moment cries of “Outlaw” were raised against the defender of the law. It was the fierce cry of assassins against the power destined to repress them.

They crowded around the president, uttering threats, arms in their hands; they commanded him to outlaw me; I was informed of this, I ordered him to be rescued from their fury, and six grenadiers of the Legislative Body secured him. Immediately afterwards some grenadiers of the Legislative Body charged into the hall and cleared it.

The factions, intimidated, dispersed and fled. The majority, freed from their attacks, returned freely and peaceably into the meeting hall, listened to the proposals on behalf of public safety, deliberated, and prepared the salutary resolution which is to become the new and provisional law of the Republic.

Frenchmen, you will doubtless recognize in this conduct the zeal of a soldier of liberty, a citizen devoted to the Republic. Conservative, tutelary, and liberal ideas have been restored to their rights through the dispersal of the rebels who oppressed the Councils . . .

168. Proclamation of the Council of Five Hundred

10 November, 1799 (19 Brumaire, Year VIII)

SOURCE: Duvergier, v. 12, pp. 3-4. See also: *Moniteur*, 14 November, 1799 (23 Brumaire, Year VIII), Rep., v. 29, pp. 901-902; B. and R., v. 38, pp. 249-251 [lacks preamble and signature].

At one with Bonaparte's propagandist statement in the preceding document is this self-justifying proclamation of the Council of Five Hundred. It indicates the extent to which the conspirators had gained control of the legislature. At least the revolutionaries had *professed* a belief in representative institutions; their successors were to hold them openly in contempt

*** * ***

TO THE FRENCH PEOPLE

Frenchmen!

Once more the Republic has just escaped the violence of rebels, and your faithful representatives have shattered the dagger in those parricidal hands; but, after having averted the attacks with which you were immediately threatened, they felt that such eternal agitations ought finally to be prevented forever; and, acting only on their duty and their courage, they dare to say that they have shown themselves worthy of you.

Frenchman, your liberty, completely rent asunder and still bleeding from the attacks of the revolutionary government, has just sought refuge in the arms of a constitution which promises it at least some repose. The need of such repose was generally felt at the time: a profound terror of the crises which you barely escaped remained in every mind; your military glory could efface the most colossal memories of the past. With astonishment and admiration, the peoples of Europe trembled at your glory, and secretly blessed the aim of your

exploits; finally, your enemies asked for peace; everything, in a word, seemed to unite to assure you finally of the peaceful enjoyment of liberty and happiness; happiness, and liberty which alone can guarantee it, seemed finally ready to reward so many generous efforts in a fitting manner.

But seditious men ceaselessly attacked with audacity the weak parts of your constitution; they skilfully seized upon those parts which might provoke new disorders; the constitutional regime was soon only a succession of revolutions in every sense, in which the different parties successively gained power; even those who most sincerely desired the maintenance of that constitution were forced to violate it constantly in order to preserve it. From such a state of instability in the government there has resulted still greater instability in legislation; and the most sacred rights of social man have been exposed to all the caprices of factions and events.

It is time to put an end to these disorders; it is time to give substantial guarantees to the liberty of citizens, to the sovereignty of the people, to the independence of the constitutional powers, and, finally, to the Republic, whose name has served only too often to sanction the violation of all principles. It is time that this great nation had a government worthy of it, a firm and wise government, which could give you a prompt and enduring peace, and enable you to enjoy real happiness.

Frenchmen, such are the views which have dictated the vigorous decisions of the Legislative Body.

In order to arrive more promptly at a definitive and complete reorganization of public institutions, a provisional government has been established. It is invested with power sufficient to have the laws respected, to protect peaceful citizens, and to suppress all conspirators and malevolent persons.

Royalism shall nojt raise its head again; the hideous traces of the revolutionary government are erased; the Republic and liberty will cease to be vain names; a new era is about to begin.

Frenchmen, rally round your magistrates; the zeal of those who have dared conceive such fine and lofty hopes for you will never slacken; all success now depends upon your confidence, your unity, your wisdom.

Soldiers of liberty, you will close your ears to every perfidious insinuation; you will pursue the course of your victories; you will achieve the conquest of peace in order soon to return to the midst of your brothers to enjoy all the benefits which you have assured them, and to receive from public recognition the honors and rewards which have been reserved for your glorious work.

Long live the Republic!

[1](#)

For economic trends in general see: Clough, S. B., *France, a History of National Economics, 1789-1939* (New York, 1939); Bogart, E. L., *Economic History of Europe,*

***1760-1939* (London and New York, 1942).**

On finances see: Bloch, *Monnaie*, pp. 1-41 *passim*, 472-502, 526-529 [pp. 31-40 give the financial agencies of the Revolution]. See also references to document 26,

***supra.* _ . ,**

On taxation see: Bloch, pp. 1-59 *passim*, 712-978, 1142-1161 [pp. 50-57 give the taxation agencies of the Revolution].

On the grain trade see: Caron, pp. 1-27 *passim* [pp. 13-15 give the grain agencies during the Revolution].

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On agriculture see: Bourgin, pp. 241-260 *passim*, 403-429 [pp. 243-244 give the agricultural agencies of the Revolution].

On commerce see: Schmidt, pp. 1-29 *passim*, 301-318 [pp. 12-26 give the commercial agencies of the Revolution]. .

On industry see: Schmidt, *Industrie*, pp. 1-21 *passim*, 36-45 [pp. 12-19 give the industrial agencies of the Revolution].

2

This “omission” appears in the text.

3

Documents 106, 119, *supra*.

4

See document 119, *supra*.

[5](#)

Among the best studies of Brumaire are: Vandal, Albert, *L'Avenement de 1925*) 2 V Paris 1907-1908 and Bainville, Jacques, *Le dix-huit brumaire* (Paris,

[6](#)

Document 123, *supra*.

[7](#)

Document 123, *supra*.

[8](#)

Document 165, *supra*.

... ..

[Signature]

VII. THE PROVISIONAL REPUBLICAN

CONSULATE AND THE CONSTITUTION OF THE YEAR VIII

The six weeks following the *coup d'etat* of 18-19 Brumaire, the weeks of the Provisional Consulate, were devoted principally to the drafting of a new constitution. Unlike previous constitutions, this document was not the work of a constitutional convention. Rather it was produced, at least nominally, by the constitutional sections of the commissions of both Elders and Five Hundred, the membership of which included Lucien Bonaparte and M. J. Chenier. The basis of the work was a plan devised by Sieyes, and doubtless representative of the cumulative results of his political theorizing over the years.

After preliminary meetings by the “official” constitution makers, several sessions were held under Bonaparte’s chairmanship, with the other consuls in attendance. Here the real work was done—in a relatively brief time, and virtually at Bonaparte’s dictation. Sieyes’ plan, which would have preserved many of the democratic gains of the Revolution, proved too involved, too characteristically the creation of a political scientist. Hence, Bonaparte kept only those parts of it which pleased him, or which would look well and mean little.³⁸

On 13 December, 1799 (22 Frimaire, Year VIII), the final draft was “accepted” (169). There now remained only the inauguration of the new government.

169. The Constitution of the Year VTTT

13 December, 1799 (22 Frimaire, Year VIII)

SOURCE: D. and M., pp. 118-129 [by permission of R. Pichon and R. Durand-Auzias, Publishers, Paris]. See also: Duvergier, v. 12, pp. 20-30; B. and R., v. 38, pp. 288-300 [lacks signature]; Helie, pp. 577-585 [good commentary, pp. 585-605]. REFERENCES: Documents 48, 95, 119, *supra*.

The Constitution of the Year VIII was the fourth and last of the constitutions of the French Revolution. At the same time, it was the first constitution of the

pp. lxiv ff. For the ed., *Registre des*

³⁸ Concerning Sieyes’ plan, see Helie, pp. 585 IT., and D. and M., proceedings of the Provisional Consulate, see Aulard, F. V. A., *deliberations du Consular provisoire* . . . (Paris, 1894).

Napoleonic Era—in fact, it is to the latter epoch that it really belongs. It is included here, however, primarily to indicate the direction which constitutional trends were taking, and also to provide a comparison with the earlier constitutions of 1791, 1793, and 1795.

As already indicated, this constitution was dictated by Bonaparte. It was much briefer than any of the preceding ones. While making a pretense of

providing a species of representative government, actually it created such an involved system of checks and balances as to be unworkable. Even had Bonaparte *not* wished to concentrate power in the First Consul, it would almost seem that such a result would have been the inevitable product of the complex legislative machinery here provided.

One of the most striking features of the document was the absence of a declaration of rights and/or duties. Other items to note are the qualifications for citizenship, the lack of responsibility of officials, and the manner of amendment. To students of totalitarian states, doubtless one of the most interesting features is the tenacity with which dictators pretend to preserve the forms of constitutional government while actually violating the substance. In this respect it is obvious that Bonaparte was no exception. Such is mankind, that this constitution received (whatever the irregularities involved in the process) the *largest popular vote of approval* of any of the revolutionary constitutions!

* * *

TITLE I

OF THE EXERCISE OF THE RIGHTS OF CITIZENSHIP ³⁹

1. The French Republic is one and indivisible.

Its European territory is divided into departments and communal *arrondissements*.

2. Every man fully twenty-one years of age, born and resident in France, who has had himself enrolled

upon the civic register of his communal *arrondissement*, and has since lived for one year on the territory of the Republic, is a French citizen.

3. A foreigner may become a French citizen when, after having attained the age of fully twenty-one years and having declared his intention of settling in France, he has resided there for ten consecutive years.

4. -French citizenship shall be lost:

By naturalization in a foreign country;

By acceptance of appointments or pensions tendered by a foreign government;

By affiliation with any foreign corporation which implies distinctions of birth;

By condemnation to corporal or ignominious penalties.

5. The exercise of the rights of French citizenship shall be suspended in the case of insolvent debtor or of immediate heir, holder by gratuitous title, of the total or partial inheritance of a bankrupt;

In the case of wage-earning domestics in personal or household service;

In the case of judicial interdiction, indictment, or contempt of court.

6. The exercise of the rights of citizenship in a communal *arrondissement* shall be dependent upon acquisition of domicile therein by one year's

residence, upon condition that such domicile has not been forfeited by a year's absence.

7. The citizens of every communal *arrondissement* shall designate by vote those among them whom they believe to be most suited to administer public affairs. A list of trustworthy persons, containing the names of one-tenth of the number of citizens who have the right to co-operate therein, will result from such vote. The public functionaries of the *arrondissement* are to be selected from such first communal list.

8. Likewise the citizens included in the communal lists of a department shall designate one-tenth of their number. A second, or departmental, list, from which the public functionaries of the department are to be taken, will result from such vote.

9. Likewise the citizens named in the departmental list shall designate one-tenth of their number. A third list, comprising the citizens of the department who are eligible to national public office, will result from such vote.

10. The citizens who have the right to co-operate in the formation of one of the lists mentioned in the three preceding articles shall be summoned every three years, to provide for the replacement of those who have died or are absent for any reason other than the performance of a public duty.

11. At the same time, they may remove from the list those whom they deem unfit, and they may replace them with others in whom they have greater confidence.

12. No one may be removed from a list except by the vote of an absolute majority of the citizens who have the right to co-operate in the formation thereof.

13. No one may be removed from a list of eligibles merely because he is not retained on another list of inferior or superior degree.

14. Enrollment on a list of eligibles is necessary only with regard to those public offices for which such condition is expressly required by the Constitution or by law. The lists of eligibles shall be constituted for the first time during the course of the Year IX.

Citizens selected for the initial formation of the established authorities shall constitute a necessary part of the first lists of eligibles.

TITLE II

OF THE CONSERVATIVE SENATE^{[1](#)}

15. The Conservative Senate shall be composed of eighty members, at least forty years of age, irremovable, and holding office for life.

For the formation of the Senate sixty members shall be chosen first; said number shall be increased to sixty-two during the course of the Year VIII, to sixty-four in the Year IX, and it shall thus be increased gradually to eighty by the addition of two members annually for the first ten years.

16. Appointment to the position of senator shall be made by the Senate, which shall choose from among

three candidates presented by the Legislative Body, the Tribune, and the First Consul respectively.

It shall choose between only two candidates if one of them is proposed by two of the three presenting authorities; it shall be required to admit a candidate proposed by the three authorities at one and the same time.

17. The First Consul, upon resigning or upon retiring from office at the expiration of his term, automatically becomes a senator.

The other two consuls may take seats in the Senate during the month following the expiration of their terms; but they shall not be obliged to make use of such right.

They shall not enjoy said right if they resign their consular duties.

18. A senator shall always be ineligible for other public office.

19. All the lists drawn up in the departments by virtue of article 9 shall be directed to the Senate; they shall constitute the national list.

20. From said list the Senate shall choose the legislators, tribunes, consuls, judges of cassation, and commissioners of accounting.

21. It shall sustain or annul all acts referred to it as unconstitutional by the Tribune or the Government; the lists of eligibles shall be included among such acts.

22. Revenues from certain national domains shall be set apart for the expenses of the Senate. The annual stipend of each of its members shall be drawn from said revenues, and shall equal one-twentieth of that of the First Consul.⁴¹

23. The sessions of the Senate shall not be public.

24. Citizens *Sieyes* and *Roger Ducos*, retiring consuls, shall be appointed members of the Conservative Senate; they shall meet with the second and third Consuls appointed by the present Constitution. Said four citizens shall appoint the majority of the Senate, which then shall complete itself and shall proceed to the elections entrusted to it.

TITLE IN

OF THE LEGISLATIVE POWER⁴²

25. New laws shall be promulgated only when the draft thereof has been proposed by the Government, communicated to the Tribunate, and decreed by the Legislative Body.

26. Projects proposed by the Government shall be drawn up in articles. In any stage of the discussion of such projects, the Government may withdraw them; it may reproduce them in modified form.

27. The Tribunate shall be composed of one hundred members, at least twenty-five years of age; they shall be renewed annually by one-fifth, and shall be re-eligible indefinitely so long as they remain on the national list.

28. The Tribune shall discuss drafts of laws; it shall vote the adoption or rejection thereof.

It shall send three orators, taken from its own membership, who shall set forth and defend before the Legislative Body its motives concerning each of said projects.

⁴¹ Cf. articles 36, 43, *infra*.

Cf. Constitution of the Year III, Title V [document 123, *supra*]; Constitution of 1793, arts. 39-61 [document 95, *supra*]; Constitution of 1791, Title III, preamble

Ch. I preamble and sec. 5, Ch. III, secs. 1, 2, and Ch. IV, sec. 1 [document 48' *supra*],

It shall refer the lists of eligibles and acts of the Legislative Body and the Government to the Senate on grounds of unconstitutionality alone.

29. It shall express its will concerning laws made or to be made, abuses to be corrected, and improvements to be undertaken in all branches of the public administration, but never upon civil or criminal matters brought before the courts.

The wishes it manifests by virtue of the present article shall have no necessary consequence, and may not oblige any constituted authority to deliberate.

30. When the Tribune adjourns, it may appoint a commission of from ten to fifteen of its members, which shall be responsible for convoking it if it deems it expedient.

31. The Legislative Body shall be composed of three hundred members, at least thirty years of age; they shall be renewed annually by one-fifth.

It must always include at least one citizen from each and every department of the Republic.

32. A member retiring from the Legislative Body may not re-enter it until after an interval of one year; but he may be elected immediately to any other public office, including that of tribune, if he is otherwise eligible thereto.

33. The session of the Legislative Body shall begin annually on 1 Frimaire, and shall continue for only four months; it may be convoked in special session by the Government during the other eight months.

34. The Legislative Body shall make laws by secret ballot, and without any discussion on the part of its members, on the basis of drafts of laws argued before it by the orators of the Tribunate and the Government.

35. The sessions of the Tribunate and those of the Legislative Body shall be public; the number of spectators at either of them may not exceed two hundred.

36. The annual stipend of a tribune is 15,000 francs; that of a legislator, 10,000 francs.

37. Every decree of the Legislative Body shall be promulgated by the First Consul on the tenth day after its issuance, unless, within such period, recourse has been had to the Senate on grounds of

unconstitutionality. Such recourse may not be had against promulgated laws.

38. The first renewal of the Legislative Body and the Tribunal shall take place only during the course of the Year X.

TITLE IV

OF THE GOVERNMENT ⁴³

39. The Government shall be entrusted to three Consuls, appointed for ten years and indefinitely re-eligible.

Each Consul shall be chosen individually with the distinct title of

First, Second, or Third Consul.

The Constitution appoints as First Consul citizen *Bonaparte*, former provisional Consul; as Second Consul, citizen former

Minister of Justice; and as Third Consul, citizen *Lebrun*, former member of the commission of the Council of Elders.

The present appointment of Third Consul shall be for only five years' duration.

40. The First Consul shall have special functions and prerogatives in which he may be replaced temporarily by one of his colleagues when necessary.

41. The First Consul shall promulgate laws; he shall appoint and dismiss at will the members of the Council of State, the ministers, the ambassadors and other external agents in chief, the officers of the army and navy, the members of the local administrations, and the commissioners of the Government at the courts. He shall appoint all criminal and civil judges, other than justices of the peace and judges of cassation, without power to remove them.

42. In other acts of the Government, the Second and Third Consuls shall have consultative voice; they shall sign the register of such acts in order to attest their presence, and if they wish they may record their opinions therein; after which the decision of the First Consul shall suffice.

43. The stipend of the First Consul shall be 500,000 francs in the Year VIII. That of each of the other two Consuls shall equal three-tenths of that of the First Consul.

44. The Government shall propose laws and make regulations necessary for assuring their execution.

45. The Government shall direct the receipts and expenditures of the State, in conformity with the annual law determining the amount thereof; it shall superintend the manufacture of monies, of which the law alone shall order the issuance and determine the denomination, weight, and standard.

⁴³ Cf. Constitution of Year III, Titles VI, VII, XI, XII [document 123, *supra*]; Constitution of 1793, arts. 62-84, 101-106, 118-121 [document 95 *supra*];

Constitution of 1791, Title II, arts. 8-10, Title III, preamble, Ch. II, sec. 4, Ch. III, sec. 4, Ch. IV preamble and secs. 2, 3, and Titles V, VI [document 48 *supra*].

46. If the Government is informed that some conspiracy is being plotted against the State, it may issue warrants of apprehension and arrest against the persons who are assumed to be the authors or accomplices thereof; but if they are not set at liberty or brought to trial within a period of ten days after their arrest, the minister who signed the warrant shall be deemed guilty of the crime of arbitrary imprisonment.⁴⁴

47. The Government shall provide for the internal security and the external defence of the State; it shall dispose the land and sea forces and regulate the administration thereof.

48. The National Guard on active service shall be subject to regulations of the public administration; the resident National Guard shall be subject only to the law.

49. The Government shall maintain external political relations, conduct negotiations, make preliminary stipulations, sign, have signed, and conclude all treaties of peace, alliance, truce, neutrality, commerce, and other conventions.

50. Declarations of war and treaties of peace, alliance, and commerce shall be proposed, discussed, decreed, and promulgated as are laws.

Discussions and deliberations on such matters, however, in the Tribune as well as in the Legislative Body, shall take place in private session when the Government demands it.

51. The secret articles of a treaty may not be detrimental to the open articles.

52. Under the direction of the Consuls, a Council of State shall be charged with drafting projects of law and regulations for public administration, and with solving difficulties which may arise in administrative matters.

53. The orators responsible for speaking before the Legislative Body in the name of the Government shall always be chosen from among the members of the Council of State.

Never more than three of said orators may be sent in the defence of one and the same proposed law.

54. The ministers shall procure the execution of laws and regulations for public administration.

55. No act of the Government may have effect unless signed by a minister.

56. One of the ministers shall be specially charged with the administration of the Public Treasury; he shall guarantee the receipts, and

⁴⁴ See art. 76 ff., *infra*. order the movements of funds and the payments authorized by law. He may not make any payment except by virtue of: 1st, a law, and up to the amount of the funds it has determined

for one kind of expenditure; 2nd, an order of the Government; 3rd, a mandate signed by a minister.

57. The detailed accounts of the expenditures of each and every minister, signed and certified by same, shall be made public.

58. The Government may elect or retain as Councillors of State and as Ministers only those citizens whose names are registered on the national list.

59. The local administrations established either for communal *arrondissements* or for more extensive areas shall be subordinated to the ministers. No one may become or remain a member of said administrations unless he is placed or maintained on one of the lists mentioned in articles 7 and 8.

TITLE V

OF THE COURTS⁴⁵

60. Each and every communal *arrondissement* shall have one or more justices of the peace, elected directly by the citizens for three years.

⁴⁵ Constitution of Year III Title VIII [document 123, *supra*]; Constitution of 1793, arts 85-100 document 95 *supra*] Constitution of 1791, Title III, preamble and Ch. V [document 48, *supra*].

Their principal duty shall consist of conciliating parties whom they shall urge, in case of nonconciliation, to obtain judgment through arbitrators.

61. In civil matters there shall be courts of first instance and courts of appeal. The law shall determine their organization, their competence, and the territory constituting their jurisdictions.

62. In the case of crimes entailing corporal or ignominious penalties, a first jury shall admit or reject the indictment; if it be admitted, a second jury shall take cognizance of the facts, and the judges, forming a criminal court, shall apply the penalty. Their decision shall not be subject to appeal.

63. The duties of public prosecutor before a criminal court shall be performed by the commissioner of the Government.

64. Crimes not entailing corporal or ignominious penalties shall be tried by courts of correctional police, subject to appeal to the criminal courts.

65. For the entire Republic there shall be one Court of Cassation to pronounce upon appeals in cassation from judgments in the last resort rendered by the courts, upon appeals for changes of venue on grounds of legitimate suspicion or for public security, and upon suits against an entire court.

66. The Court of Cassation shall not have cognizance of the grounds of suits; but it may quash judgments rendered upon proceedings in which forms have been violated, or which contain some express contravention of the law; and it shall refer the grounds of the suit to the court which has cognizance thereof.

67. The judges composing courts of first instance, and the commissioners of the Government assigned

to such courts, shall be chosen from either the communal or the departmental list.

The judges composing courts of appeal, and the commissioners assigned thereto, shall be chosen from the departmental list.

The judges composing the Court of Cassation, and the commissioners assigned thereto, shall be chosen from the national list.

68. Judges, other than justices of the peace, shall hold office for life, unless condemned for neglect of duty, or not maintained upon the lists of eligibles,

TITLE VI

OF THE RESPONSIBILITY OF PUBLIC FUNCTIONARIES⁴⁰

69. The functions of the members of the Senate, the Legislative Body, and the Tribunate, and those of the Consuls and the Councillors of State entail no responsibility.

70. Personal offences entailing corporal or ignominious penalties, committed by a member of the Senate, the Tribunate, the Legislative Body, or the Council of State, shall be prosecuted before the ordinary courts, after a deliberation of the body to which the accused belongs has authorized such prosecution.

71. Ministers accused of private offences entailing corporal or ignominious penalties shall receive the same treatment as members of the Council of State.

72. The Ministers shall be responsible: 1st, for every act of the

40 Cf. Constitution of Year III, Title V, especially arts. 110-123 [document 123, *supra*]; Constitution of 1793, arts. 39-55 [document 95, *supra*]; Constitution of 1791, Title III, preamble, Ch. I, preamble and sec. 5, Ch. III, secs. 1, 2 [document 1, *supra*].

***supra*1.**

Government signed by them and declared unconstitutional by the Senate; 2nd, for nonexecution of laws and regulations for public administration; 3rd, for special orders given by them, if such orders are contrary to the Constitution, laws, or regulations.

73. In the case of the preceding article, the Tribunal shall denounce the Minister by an instrument upon which the Legislative Body shall deliberate in the usual forms, after having heard or summoned the accused. The Minister placed on trial by a decree of the Legislative Body shall be tried by a High Court, without appeal and without recourse to cassation.

The High Court shall be composed of judges and jurors. The judges shall be chosen by the Court of Cassation from its own membership, the jurors from the national list, all according to the forms determined by law.

74. For offences pertaining to their duties, civil and criminal judges shall be prosecuted before the courts to which the Court of Cassation refers them after having rescinded their proceedings.

75. Agents of the Government other than the Ministers may not be prosecuted for acts pertaining to their duties except by virtue of a decision of the Council of State; in such case, the prosecution shall take place before the ordinary courts.

TITLE VII

GENERAL PROVISIONS⁴⁷

76. The house of every person dwelling upon French territory is an inviolable sanctuary.

During the night no one shall have the right to enter thereinto except in case of fire, flood, or a request from inside the house.

During the day it may be entered for a special purpose determined either by law or by an order issued by a public authority.

77. In order that the warrant ordering the arrest of a person may be executed, it is necessary: 1st, that it express explicitly the grounds for the arrest and the law in execution of which it has been ordered; 2nd, that it be issued by an official who is formally provided by law with

^{47r} Cf.-¹Constitution of Year III, Declaration of Rights and Duties, and Titles VIII

IX, X, XIV [document 123, *supra*]; Constitution of 1793, Declaration of Rights and arts. 85-100, 107-114 [document 95, *supra*]; Constitution of 1791, Title I Title III preamble and Ch. V, and Title IV [document 48, *supra*]; Declaration of Rights 1789 [document 17, *supra*], such power; 3rd, that it be made known to

the person arrested, and that he be provided with a copy thereof.

78. A warden or a jailer may receive or detain a person only after having transcribed upon his register the instrument ordering the arrest; such instrument must be a warrant, issued in the forms prescribed by the preceding article, or an order of arrest, a writ of indictment, or a judgment.

79. Every warden or jailer shall be required, all orders to the contrary notwithstanding, to present the imprisoned person to the civil official in charge of the prison whenever so requested by said official.

80. The production of the imprisoned person may not be refused to his kinsmen and friends bearing an order from the civil official, who shall always be required to grant same unless the warden or jailer presents an order of the judge to hold the person *incommunicado*.

81. All those who, not possessing the legal power to make arrest, give, sign, or effect the arrest of any person whomsoever; all those who, even in the case of an arrest authorized by law, receive or detain the arrested person in a place of detention not publicly and legally designated as such; and all wardens or jailers who contravene the provisions of the three preceding articles shall be guilty of the crime of arbitrary imprisonment.

82. All severities, other than those authorized by law, which are employed in arrests, imprisonments, or executions shall be crimes.

83. Every person shall have the right to address individual petitions to any constituted authority, and especially to the Tribunal.

84. The public force is essentially obedient; no armed body may deliberate.

85. Military offences shall be submitted to special courts and forms of trial.

86. The French nation declares that pensions shall be granted to all soldiers wounded in the defence of the *Patrie*, as well as to the widows and children of soldiers who die on the field of battle or as a consequence of wounds.

87. National rewards shall be conferred upon warriors who have rendered distinguished services in fighting for the Republic.

88. A National Institute shall be responsible for collecting discoveries and perfecting the arts and sciences.

89. A commission of national accounting shall regulate and verify the accounts of the receipts and expenditures of the Republic. Said commission shall be composed of seven members chosen by the Senate from the national list.

90. A constituted body may deliberate only when at least two-thirds of its members are present at the session.

91. The government of the French colonies shall be determined by special laws.

92. In case of armed revolt or disturbances threatening the security of the State, the law may suspend the authority of the Constitution wherever and for whatever length of time it determines.

Said suspension may be declared provisionally in such cases by an order of the Government when the Legislative Body is in recess, provided that said body be convoked as soon as possible by an article of said same order.

93. The French nation declares that under no circumstances will it permit the return of Frenchmen who, having abandoned their *Patrie* since 14 July, 1789, are not included in the exceptions provided by laws rendered against *emigres*', it forbids any new exception in such connection.

The property of *emigres* shall be acquired irrevocably for the benefit of the Republic.

94. The French nation declares that, after a legally consummated sale of national property, irrespective of origin, the lawful purchaser may not be dispossessed thereof; reserving to third party claimants, if need be, indemnification by the Public Treasury.

95. The present Constitution shall be presented subsequently for acceptance by the French people.



VIII. THE CLOSE OF THE DIRECTORY

On 14 December, 1799, the day after the official pronouncement of the Constitution of the Year VIII, provision was made for popular ratification of the document.² The next day the new government issued its first proclamation to the people (170). And nine days later, 24 December, 1799 (13 Nivose, Year VIII), the new Constitution was brought into force by law⁴⁰—even before the plebiscite machinery had really begun to function! Thus the new regime suggested its attitude towards manifestations of the popular will. Thus ended the period of the Directory, the most enduring and perhaps the least commendable phase of the Revolution. Thus was the Revolution supplanted by a military dictatorship.

170. Proclamation of the Consuls to the French People

15 December, 1799 (24 Frimaire, Year VIII)

SOURCE: ***Correspondance de Napoleon Ier*, v. 6, p. 25.**
See also: B. and R. v. 38, p. 301.

Although some ten days were to elapse before the new regime was legally inaugurated, this proclamation may be termed the last propagandist pronouncement of the Revolution and the first of the Bonapartist Era. The closing sentence is portentous!



Frenchmen!

A Constitution is presented to you.

It terminates the uncertainties which the provisional government introduced into external relations, into the internal and military situation of the Republic.

It places in the institutions which it establishes first magistrates whose devotion has appeared necessary for its success.

The Constitution is founded on the true principles of representative government, on the sacred rights of property, equality, and liberty.

The powers which it institutes will be strong and stable, as they must be in order to guarantee the rights of citizens and the interests of the State.

Citizens, the Revolution is established upon the principles which began it: It is ended.

Suggestions for Reading and Reference

THE DIRECTORY

[See Suggestions for Reading and Reference at the end of Chapter Eight, *supra*.]

CONCLUSION

THE CONSEQUENCES OF THE FRENCH

REVOLUTION

I. OF CONCLUSIONS AND CONSEQUENCES

II. IMMEDIATE CONSEQUENCES

III. ULTIMATE CONSEQUENCES

IV. EPILOGUE

THE CONSEQUENCES OF THE FRENCH REVOLUTION

“The history of modern France is the history of the Revolution of 1789: that Revolution is not yet completed; 1793, 1799, 1814, 1830, 1848, 1851, 1870 are so many dates of its advance and recoil.”— G. Lowes Dickinson, *Revolution and Reaction in Modern France*, 2nd ed. (London, 1927), p. 17. [Quoted by permission of George Allen &

Unwin Ltd.]

It is not customary in books of documents such as this one to have a concluding chapter appended after the final documentary text. Many books of the type *do* have introductions, however, some of them very excellent ones. It would seem reasonable, therefore, that if an introduction is desirable as a means of indicating what introductions are supposed to indicate, a conclusion should be equally desirable as a means of doing what conclusions are supposed to do. Accordingly, an attempt will be made in the ensuing paragraphs to provide a Conclusion comparable with the Introduction to this work.

I. OF CONCLUSIONS AND CONSEQUENCES

One of the striking features of historical writing on the French Revolution is a tendency to *omit* “conclusions.” Historians have dwelt at length on the causes of the Revolution, and have , traced in detail the course of its history. But few have ventured to provide a summary estimate of its outcome.³ The average study of the era, whether

by professional or amateur, whether by Frenchman or foreigner, simply reaches a point in the development of the period and then stops—presumably leaving the reader to reach his own conclusions!

This does not mean that those who have written about the French Revolution have no opinions on the subject; in fact, quite the contrary is the case. On the one hand, there are those who believe that the Revolution was a mistake, that it was a “bad thing” for France and for Europe, that it was reactionary, antidemocratic, and nonprogressive.⁴ On the other hand, there are those who contend that it was the greatest event in modern history, that it was essentially a “good thing” for all concerned, that it laid the liberal, democratic, and progressive foundations of the life of modern

Europe.³ And each group of advocates produces apparently substantial and irrefutable evidence to verify its claims.

Nor are such extreme views limited to older historians, laymen, crusaders, and all that body of writers who, through lack of skill or opportunity or desire, have not availed themselves of the latest source materials. In fact, the controversy as to the meaning and significance of the French Revolution has raged quite as vigorously among recognized historians, whether contemporaneous with the events or observing them from the comfortable distance of the nineteenth and twentieth centuries. The addition of detailed information concerning the movement seems to have made little appreciable difference. This is especially apparent among

French historians, and to a lesser degree among those of other lands. With good reason has Professor Paul Farmer commented on the paradoxical situation which prevails in historical writing on the French Revolution, a situation in which exhaustive study of an ever-increasing mass of material “instead of producing an informed agreement on the subject under investigation, perpetuates the conflict in judgment on the Revolution and reflects the basic cleavages on contemporary public problems.” ⁴

Circumstances preclude the possibility of discussing in this brief essay the merits or defects of the many arguments for and against the French Revolution. Yet no examination of the consequences of that movement can proceed without first endeavoring to determine *why* such diversity of opinion exists, why it has continued with such vigor since the Revolution began, and why, despite the numerous schools of thought on the subject, writers of general treatises on the French Revolution choose to leave their final chapters unwritten.

Diversity of opinion concerning the French Revolution exists (particularly in the minds of Frenchmen) because the movement produced a schism in French life and institutions so pronounced that, as yet, apparently not enough time has elapsed to bring about the reconciliation of opposing factions. Hence, today, as in the decade following 1789, there are those who cherish the Revolution and those who abhor it, those who praise it and those who condemn it, those who wish it to succeed and those who wish it to fail. The British and the Americans have outgrown *their* revolutions, at least

to the extent of accepting them, by and large, as accomplished facts; but Frenchmen, like twentieth-century Russians, are still

living and fighting theirs.

But these statements are only factual; in the final analysis they still do not explain *why* the situation is as it is. It may be inherent in the character of Frenchmen to be irreconcilable. The Revolution may never have had time really to consolidate more than its destructive side, and the ensuing confusion may have given its opponents cause for hope—certainly the

³ Examples of this attitude may be seen in Reich, Emil, *Foundations of Modern Europe*, 2nd rev. ed. (New York, 1908), see p. 26, and Lilly, W. S., "The Principles of '89," being Chapter VII of v. 2 of his *Chapters in European History* . . . / v.

(London, 1886), see v. 2, pp. 196, 199. rwriah,

⁴ Reprinted from Paul Farmer, *France Reviews Its Revolutionary Origins*. Copyngnt

1944 by Columbia University Press. history of France since 1800 contains enough incidents to give weight to this argument. Or, again, the representatives of the Old Regime may have possessed an unusual amount of tenacity and virility, more than that of corresponding groups in other lands; and hence they have continued their fight far beyond "normal" limits. These are but a few of the many answers commonly offered to the first and second questions posed; and they are as plausible as most.

In the last resort, however, it would appear that students of the period may have to be content with *answers* rather than *the answer*, and that the latter may never be known!

If it *is* true that opinions about the French Revolution are legion, and that they persist vigorously today (for whatever reason), why, then, do writers tend to indicate these opinions by implication rather than in a convenient and concluding chapter? In part this may be attributed to the fact that many writers manifest their attitudes through their selection of facts and their treatment of men and events, through indirection rather than through direction. In part the tendency may stem also from an assumption on the part of many authors that the consequences of the French Revolution are so far-reaching that any satisfactory estimate of them would take the form of the entire history of France and Europe since 1789. Again, it may derive from an adherence to a peculiar form of “objectivity,” whereby the reader, however well or ill equipped for the purpose, is left to do his own “concluding.” Whatever other reasons may be determined, certainly intellectual timidity or intellectual laziness, or a combination of both, must not be overlooked as possibilities. In any case, there is no denying the fact that conclusions, at least in the form of critical estimates, are seldom written.

One thing *this* Conclusion will *not* endeavor to do, namely, to assess the vices or virtues of the French Revolution. It will attempt simply to sum up, in the light of the facts, the extent to which the Revolution achieved its original objectives and the extent to which the accomplishments endured—in other words,

the immediate results and the ultimate outcome of the movement. And, whether immediate or ultimate, the consequences will be viewed in the light of the fact that the Revolution affected countries outside France, that it was a European as well as a French phenomenon.

II. IMMEDIATE CONSEQUENCES

The immediate consequences of the French Revolution may be determined, as suggested in the preceding paragraph, by examining the extent to which the Revolution was successful in achieving its original objectives. And this may be done most effectively by contrasting the institutional life of France in 1799 with what it had been in 1789—political, economic, social, religious, and intellectual.

Politically, in 1789 France was a monarchical state, with a long tradition of divine-right absolutism. It lacked anything approximating the “free” parliamentary institutions of England—even the existence of recognized constitutional foundations was a matter of controversy. Liberties, such as they were, were conceived principally in terms of the old Latin “libertas,” i.e., “privilege.” “Liberties of the subject” were unknown, and there was no official statement of either “rights” or “duties” of citizens. The remark attributed to Louis XIV might still explain the relation of the king to his subjects; “I am the State” was as applicable, in many respects, as it had been a century earlier. Little that might be identified as political democracy or political liberty existed. The people were governed by the king and

his bureaucracy mainly for the benefit of the privileged classes.

In the field of local government, most of the work was done by appointed royal officials, responsible only to the central government; and what remained of local autonomy was restricted to a few areas. In both local and national government, election of public officials was virtually unknown, and participation in affairs of state was limited to a chosen few. There was no uniform code of laws for France as a whole. An appointed and venal judiciary applied a variety of legal procedures with slight heed for the “rights” or physical well-being of the individual. Laws were frequently cruel, and their administration arbitrary. Moreover, laws were the product, not of a representative or responsible legislature, but of a king, the only check on whose powers were the aristocrats who controlled the higher courts. In much of what it did the State was aided and abetted by the Church, with which a working agreement had existed for many years. And, as yet, provincialism, rather than nationalism, characterized the attitude of the average Frenchman.

To many students the foregoing remarks may appear ridiculous. Well may they inquire, “Why seek in the France of 1789 the political features of the *modern* liberal-democratic state?” But that is one of the very reasons why the French Revolution is so important! It pointed the way, for France and for Europe, the way which much of the modern world now takes for granted, but which in 1789 was little more than hope and faith in the minds of a few men. The first serious evidences of the realization of that hope and

faith were already visible in **1799**. By that year divine-right, absolute monarchy had yielded to a republic, with at least a quasi-demo-cratic form of government, and with popular sovereignty widely accepted in principle. By that time France not only possessed a constitution, and a written one at that, but she had had *three* such documents, had tried two of them, and was about to experiment with a fourth! For the most part these constitutions represented the work of regularly selected constitutional conventions, three of them carried declarations of rights of the individual, and one included a statement of *duties*.

New standards of political life had become known—freedom of action, security of property, protection of persons. Codes of law (ultimately further integrated by Napoleon) had supplanted the chaos and confusion of an earlier day. An elected judiciary, the principle of habeas corpus, trial by jury, humanized penalties all had come into being. Law had come to symbolize the general will, and equality *before* the law had taken the place of privilege. In local affairs a decentralized system, likewise with elected officials, and with a high degree of local autonomy, had taken the place of the intendants. And everywhere much experience had been gained in voting for candidates, running for office, discussing public issues, and participating in the affairs of government. A consciousness of a common national destiny had been fostered by the exigencies of war, a war to defend the Revolution against its enemies; and widespread attempts to substitute the French language for local dialects contributed further to the maturing of national feeling. Moreover, the war had brought into being a citizen army, in which

everybody served in one capacity or another, either local or national. This took the place of the part-volunteer, part-professional army of the Old Regime; and the new dispensation replaced office holding based on social position and inheritance by tenure based on competence.

Economically, in 1789 France was still essentially an agrarian state. The economy rested upon an outmoded manorialism, one of the holdovers of the feudal regime, characterized by burdensome and inflexible features. Land was still very much a monopoly of privileged classes and corporations; and there was a vast gap—political, economic, and social—between those who owned it and those who worked it. The system, moreover, tended to perpetuate archaic agricultural techniques which, combined with natural conditions, frequently left France desperately short of food.

In commerce and industry France was the leading continental state. But those activities were hampered by numerous internal duties and customs, which added greatly to the cost of land transport of commodities; and so far as foreign trade was concerned, there was little in the form of a regular tariff system. In industry, progress was impeded by the outworn methods and traditions of the guilds, a survival of the middle ages. And in all phases of the economy everyone suffered from the lack of a uniform system of weights and measures.

In fiscal and financial matters there was no budget worthy of the name before the 1780's. The national treasury and the king's purse were substantially the

same thing, and the steadying effect of a civil list was lacking. Taxes were inefficiently assessed and collected, they existed in variety and inequity, and both taxes and state finances were adversely affected, to a considerable extent, by the existence of the parasitical privileged classes. Add to this a variety of moneys, and more confusion results. Moreover there was no apparent relationship between the economy and social problems.

By 1799, however, manorialism and all that it represented (the so-called “feudal regime”) had been abolished, never to return, and “free” agriculture had taken its place. Land had ceased to be a monopoly of the few, and, although it was not redistributed as some would have wished, at least it was made available to all who could afford to buy it. Internal duties and customs had been disestablished, and France had become domestically what Colbert had tried to make it in the seventeenth century—a free-trade entity. On the frontiers a national tariff now provided protection to local industry and revenue for national government. The guilds had fallen along with other corporations, and industrial activity had received a mighty impetus from its connection with the war effort. In place of diversity and confusion in weights and measures, by 1799 the now universally used metric system had come into being; and its significance far transcended the limits of things economic. Socialism, however abortive, had raised its head to indicate the inevitable and inseparable relationship between the economic and social activities of the community. Budgets and civil lists (the latter, of course, only so long as the monarchy continued) had become commonplace. Taxes had

been reduced in form and number, and serious efforts had been made to assess them equitably and collect them efficiently. Control of finances, in so far as there was any, had passed from the upper classes to the middle class. And the franc had replaced older standards of money for the nation as a whole.

Socially, in 1789 France was a class society; moreover, it was a class-*conscious* society. The privileged minority enjoyed most of the benefits and prerogatives, while the unprivileged majority shared but little in those features of life. The upper classes rode high; the middle class waited, impatiently, for their chance to rise to power; the peasants kept on working. Slavery existed in the colonies, but perhaps that was to be expected at the time. The common man counted for little, and whatever social reform there was usually took place under the aegis of the Church.

By 1799 classes had given way to equality, an equality more pronounced than that in politics—though, as in *Animal Farm*, some were “more equal than others.”⁵ The bourgeoisie were coming into their own, while the lower levels of society, both urban and rural, were slowly rising, although they still had a long way to go. In any case, labor was presumably a free commodity, and laborers relatively free people. One of the most significant developments of the decade was the revolutionary idea of “careers open to talents.” This meant that one’s natural gifts could enable one to cross all lines of caste, wealth, inheritance, and family. Humanitarianism had taken form in many ways, notably in the improvement of conditions in prisons and in the abolition of slavery in the colonies. The common

man had been recognized as a human being, as an individual. And social reforms of very considerable consequence had been undertaken by the State. In the social sphere may be seen, perhaps more clearly than in any other, one of the major features of the Revolution, the revolt against privilege. .

Religiously, in 1789 France was burdened by a condition of intolerance which had apparently been growing since the middle of the seventeenth century. Non-Catholics labored under all sorts of disabilities, civil as well as religious. The Church was, in many respects, a strong arm of the State. It enjoyed vast power, numerous privileges, and much property. Controlling education, censorship, and the recording of vital statistics as it had done for many years, it was a force to be reckoned with. And, as

⁵ Orwell, George, *Animal Farm* (New York, 1946). might be expected of the time, the idea of civil marriage or of the dissolution of marital bonds by civil authorities, was not only frowned upon it was not permitted.

By 1799 all this had changed. Since 1791 there had been more than tolerance, there had been *liberty* in religion. For Jew and Protestant alike, religious and civil limitations disappeared. Freedom replaced restriction. Moreover, the power of the Church in the State had been reduced, its privileges virtually eliminated, and its material wealth confiscated. To all intents and purposes it had become a branch of the civil service. The State had taken over many of the functions hitherto performed by clerics — education, censorship, and the recording of vital statistics. And, although France remained nominally

a Catholic country, the forces of secularism were fast making themselves felt—two outstanding examples of which tendency were the establishment of civil marriage and the legalization of divorce.

Intellectually, in 1789 France suffered from widespread restrictions, and the fact that she *had* a most vigorous cultural life was a triumph for the intelligentsia. Education, as already indicated, was under the hand (sometimes a dead one) of the Church. A periodical press scarcely existed. Few opportunities were available for obtaining educational or other cultural advantages. And what encouragement existed for arts and letters was usually of a limited variety dispensed by the king and the aristocracy.

By 1799, however, Frenchmen had had the experience of enjoying, at least in theory, freedom of speech and freedom of the press. Education had been reorganized along the lines which it still follows in most modern states—free, compulsory, universal, and secular. The Revolution had given rise to an extensive, if not always great, periodical press. Lack of opportunities had yielded to the “careers open to talents” already mentioned, and such talents were encouraged and brought to fruition through public prizes, state patronage, and similar devices. Moreover, while there had been few museums and libraries prior to 1789, the revolutionaries established many more, planned still additional ones, and endeavored to integrate them with the educational system.

It might safely be said that never in human history, or at least never prior to 1799, had so much been

achieved by one people in such a short span of time! Yet, lest the uninformed naively assume that between 1789 and 1799 some divine force had transformed France from a purgatory into a paradise, the foregoing impressive list of apparent achievements must be balanced against the *actual* accomplishments. In other words, how much of what was done progressed beyond the “paper” stage, how much failed in the effort? And, it must be admitted, here the opponents of the

Revolution find much of their material for criticism. A few significant examples will suffice as evidence.

Politically, constitutionalism had been accepted, but the constitution of 1799 was a farce; declarations of rights had been made three times, but each time they had been more form than substance, and in 1799 they were omitted entirely; democracy had never been really tried—1799 inaugurated a dictatorship; the liberties of the subject had been flagrantly violated during the Terror; in 1799 it appeared that equality and security were preferable to liberty; and protection of property had been of little help to the clergy or the *emigres*.

Economically, “free” land was a reality only for those who possessed the wherewithal to purchase it; agricultural reforms were still in the future; workers lacked the right to organize and to strike; and the fiscal and financial situation left by the Directory was worse than that facing the Estates General—stability was still lacking.

Socially, the bourgeoisie had supplanted the clergy and nobles, but the common man still awaited his

due; class consciousness persisted, and privilege was still sought; many of the social reforms proposed never passed outside the legislative halls; and socialism was a dead issue.

Religiously, France was still Catholic, and neither the Revolution nor its attempt at a synthetic faith had altered the situation; anti-Protestantism and anti-Semitism were by no means obliterated; and the revolutionary legislation affecting the Church had produced a schism which remained for Napoleon to heal.

Finally, despite a brief taste of the several freedoms, France was entering upon a period in which censorship was to keep news of Trafalgar from the columns of the *Moniteur*, and education was to become little more than Bonapartist propaganda; in fact, the educational projects of the Revolution remained, for the most part, decently interred in statute books.

Yet this situation was by no means abnormal. It should neither encourage the counter-revolutionary nor discourage the revolutionary. As fundamental change, the Revolution inevitably worked through a threefold process: *disestablishment* (of outmoded old institutions); *innovation* (through badly needed new institutions); and *compromise* (by adaptation of existing institutions to the necessities of the moment). The original objectives—which, for convenience, may perhaps best be summed up as *liberty, equality, and order*—could be achieved in no other way. What appears to be failure is nothing more than proof that in such movements the forces of reaction are strong, and the ambitions of men

usually far exceed the ability of those same men to put their plans to practical use.

One thing, however, is certain—in 1789 liberty, equality, and order had been mere words; in 1799 they had become sufficiently accepted in principle and tried in practice that, come what might, they were to persist as permanent, if not universally accepted, elements of French life!

Obviously, as a crusade for universal “good” and against universal “bad,” the French Revolution could not be confined within the territorial limits of any one state. If not universal, at least it was west European in its appeal. Both the Old Regime and the Enlightenment—the institutional and intellectual sources of the Revolution—were as much European as they were French! True, the differences between the Europe of 1789 and that of 1799 were neither as apparent nor as real as the corresponding differences in France. On the surface, at least, they seemed to be more in diplomacy and territory than in ideas or institutions. Yet these latter aspects of west European life were undergoing change. The Revolution was setting an example and disseminating propaganda. And when, in the decade *following* 1799, Bonaparte overran Europe, he furthered the process by imposing upon his satellites those features of the Revolution in which he believed. Never again was west Europe able to continue along the path of the Old Regime—always was she to be diverted from that course by the spirit of the French Revolution. This diversion, and eventual arrival at the *real* goal may be seen in the ultimate consequences.

III. ULTIMATE CONSEQUENCES

The year 1799 did not end the Revolution, despite Bonaparte's pronouncement (in document 170) to the effect that it was over. It did not reach completion for many a day—if it has yet done so. It had not run its course, too many of its projects remained untried, too many of its opponents remained aggressive. In the ensuing years its legacy to posterity underwent vicissitudes, the rigors of which might have resulted in the total destruction of a less robust movement. The despotism of Bonaparte, the “unwilling” constitutionalism of the Bourbons, the “liberal” monarchy of Louis Philippe, the false republic and the real empire of Louis Napoleon—each of these tried, with the aid of forces from outside France, to prevent the fulfillment of the principles of '89. Yet each was forced to resort, from time to time, to one or another of those principles. In the long run they were unable either to crush the memory of the Revolution or to restore the Old Regime.

Any attempt at a discussion of the ultimate consequences on a scale comparable with the foregoing examination of the immediate consequences is obviously out of the question here—to some it would involve the entire history of west Europe since 1799! Suffice it to say, therefore, that the ultimate consequences may be summed up in essence as the persistence and eventual triumph, in west Europe as a whole, of the basic principles which the French Revolution represented—*liberty, equality,* and ! The history of that region, especially since 1870, bears witness to the fact.

If *fraternity* was less successful, the Revolution can scarcely be held accountable.

IV. EPILOGUE

Currently, France is endeavoring to recover from war shock, she is adjusting to the problems of the new world of atoms in which France is but a shadow of her former self, she is trying out still another of her numerous constitutions (this the second since 1945). And yet she remains to west Europe what she became in the Great Revolution, a symbol of freedom, progress, civilization. There is, however, a cloud on the horizon, the cloud of international communism, of a type which Babeuf at his most eager could not have foreseen. In the minds of many, France remains the outpost, the lone major outpost, against the impending storm. If France goes communist, European civilization (at least as it has been known since 1789) may well be a thing of the past. Paradoxically, in its place would be the civilization of *another* revolution, which of a certainty would put a speedy end to the liberty and equality of the “decadent bourgeois west.” But that is the subject of a book in itself, and someone else must write it (if it has not already been written). Meanwhile, those who cherish the precepts usually associated with the French Revolution may take some comfort from the words of that eminent French statesman, Edouard Herriot: “We venture to hope that recalling the principles and the achievements of the French Revolution will help to increase the number and to strengthen the convictions of the defenders of human rights and of liberty.” ⁶

Cf. Constitution of Year III, Title V, especially arts. 82-109 [document 123, *supra*]-. Constitution of 1793, arts. 39-55 [document 95, *supra*]; Constitution of 1791, Title III, preamble, Ch. I, preamble, sec. 5, and Ch. III, secs. 1, 2 [document 4 , *supra*].

[2](#)

See Duvergier, v. 12, p. 30.

⁴⁶ ***Ibid.*, pp. 45-46.**

[3](#)

The principal efforts in this connection are indicated in the Suggestions for Reading at the end of this Conclusion. By far the most effective are the ones by Brinton, L., G., and S., and Harrison (“What the Revolution of 1789 Did”).

[4](#)

Interesting examples of this point of view are to be found in Webster, Nesta H., *The French Revolution* . . . (New York, n. d.), see p. 490, and Randall, H. J., *The Creative Centuries* . . . (London and New York, 1945), see p. xxv.

***Suggestions for Reading and Reference* THE CONSEQUENCES OF THE FRENCH REVOLUTION**

As indicated at the end of the Key to Abbreviations, *supra*, the organization of these Suggestions for Reading at the end of the Conclusion varies (of necessity) from the pattern used elsewhere in the book. In the first place, virtually all the items here listed are secondary works; hence the use of the divisions *Secondary Works* and *Primary Sources* is unnecessary. Moreover, the nature of the works precludes the possibility of using such simple divisions as General and Special. Accordingly, the following titles are arranged under headings which, if not entirely self-explanatory, are clarified by accompanying notes.

France, General

The following general works on France as a whole contain useful sections concerning the consequences of the French Revolution.

Bodley, J. E. C., *France*, 2 v. (New York and London, 1898), v. 1; Brogan, D. W., *French Personalities and Problems* (New York, 1947); Curtius, E. R., *The Civilization of France. An Introduction*, tr. from the German by Olive Wyon (London, 1932); Herriot, Edouard, *The Wellsprings of Liberty*, tr. from the French by Richard Duffy (New York and London, 1939); Huddleston, Sisley, *France* (New York, 1927), Ch. 4; Maurois, Andre, *The Miracle of France*, tr. from the French by H. L. Binsse (New York, 1948), Ch. 41; Siegfried, Andre, *France, a Study in Nationality* (New Haven, 1930); Steel, Johannes, *France*, o Herriot,

fidouard, *The Wellsprings of Liberty*, tr. from the French by Richard Duffy (New York and London, 1939), p. 225. [By permission of Funk & Wagnalls Co.] in *The Future of Europe* (New York, 1945), Ch. 10; Tilley, Arthur, ed., *Modern France, a Companion to French Studies* (Cambridge, 1922).

France since 1789

These works deal with the history of France, in whole or in part, from 1789 to the present, with special reference to the fate of the Revolution after 1799 and its place in the history of France and Europe.

Adams, C. K., *Democracy and Monarchy in France from the Inception of the Great Revolution to the Overthrow of the Second Empire*, 2nd ed., rev. (New York, 1875); Dickinson, G. L., *Revolution and Reaction in Modern France*, 2nd ed. (London, 1927); Elton, Godfrey, Lord, *The Revolutionary Idea in France, 1789-1871*, 2nd ed. (London, 1937); Guerard, A. L., *French Civilization in the Nineteenth Century. A Historical Introduction* (New York, 1918), Ch. 1; Woodward, E. L., *French Revolutions* (Oxford, 1934).

Consequences and Significance of the French Revolution

Brinton, C. C., *A Decade of Revolution, 1789-1799* (New York and London, 1934), Ch. 9; Dollinger, J. I. von, "Various Estimates of the French Revolution," being Lecture VII (pp. 255-268) in his *Addresses on Historical and Literary Subjects*, tr. from the German by Margaret Warre (London, 1894); Gooch, G. P.,

"The French Revolution as a World Force," being Ch. 8 (pp. 291-310) in his *Studies in Diplomacy and Statecraft* (London, 1942); Harrison, Frederic, "What the Revolution of 1789 Did" and "France in 1789 and 1889," being Ch. 6 and 7 in his *The Meaning of History, and Other Historical Pieces*, rev. ed. (New York, 1914); Lilly, W. S., "The Principles of '89," being Ch. 7 (pp. 196-247) of v. 2 of his *Chapters in European History . . .*, 2 v. (London, 1886).

See also, below, works by Farmer and Acton; and *Miscellaneous Works*.

Miscellaneous Works

The following items represent a wide variety, from Miss Hyslop's scholarship to Mrs. Webster's fantasy; but each has, in its own way, offered something in the way of an evaluation of the French Revolution.

Alger, J. G., *Glimpses of the French Revolution; Myths, Ideals, and Realities* (New York, 1894); Bax, E. B., *The Story of the French Revolution*, 2nd ed. (London, 1892); Belloc, Hilaire, *The French Revolution* (New York and London, 1911); Gaxotte, Pierre, *The French Revolution*, tr. from the French and with intro, by W. A. Phillips (London and New York, 1932); Hyslop, B. F., *A Guide to the General Cahiers of 1789* (New York, 1936); Le Bon, Gustave! *The Psychology of Revolution*, tr. from the French by Bernard Miall (New York, 1913); Robinson, James Harvey, "On Governing Ourselves," being Ch. 9 (pp. 253-261) of *The Human Comedy as Devised and Directed by Mankind Itself*, with intro, by Harry Elmer Barnes (New York and London, 1937); Webster,

Nesta H., *The French Revolution, a Study in Democracy* (New York, n. d.).

The History of the French Revolution

To many students, this group of titles should come *first* in any listing of references in connection with interpretations and evaluations of the French Revolution; in the present instance, however, it is placed last because so few of the works deal with the consequences and/or significance of the Revolution in a brief or direct manner. Works of this type may be classified under three headings: studies of historical writing; “classic” histories, i.e., those which are significant as pioneering enterprises, but which have been outmoded by more recent scholarship; and the “standard” histories, i.e., those which have been written during the last fifty years or so, and which, despite frequent lapses into subjectivity, yet represent the best in modern scholarship. Outstanding titles in these three groups are as follows.

STUDIES OF HISTORICAL WRITING: Farmer, Paul, *France Reviews Its Revolutionary Origins*. . . . (New York, 1944); Gooch, G. P., *History and Historians in the Nineteenth Century* (London, 1913); Thompson, J. W., *A History of Historical Writing*, 2 v. (New York, 1942), v. 2. See also works by Brinton (above) and Acton (below).

“Classic” Histories (most of the non-English ones are available in English translation), by: the revolutionary Louis Blanc (1847-62); the conservative Edmund Burke (1790); the Scottish amateur historian Thomas Carlyle (1837); the scholarly Irish historian W. E. H. Lecky (as part of his

***History of England in the Eighteenth Century, 1878-90*); the eloquent and sympathetic Jules Michelet (1846-53); the objective Orleanist Francois Mignet (1824); the anticlerical Edgar Quinet (1865); the conservative, antirevolutionary Heinrich von Sybel (1853-79); and the moderate constitutionalist Louis Adolphe Thiers (1823-27).**

“Standard” Histories, by: Acton; Aulard; Jaures; Kropotkin; Lefebvre, Guyot, and Sagnac; Madelin; Mathiez; Sorel; Stephens; Thompson; Villat. See also, above, Brinton. The full titles for these works may be found in the Key to Abbreviations, *supra*. The studies by Jaures and Sorel might well be classified under “classic” histories, but because of their inherent worth and the fact that they have not been superseded, they are still considered “standard.”

[The .pdf formatted version of this book has a long index]